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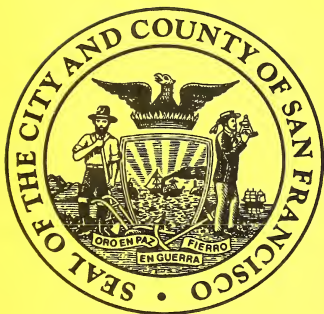
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Civil Service Commission

Rules

**City and County of
San Francisco**

1996 Edition

Rules

Table of Contents

Preface	Effect of Recodification on Previous Rules, page iii
Cross-Reference Guide	Recodification of the 1994 Edition of the Civil Service Commission Rules: A Cross-Reference Guide to the 1996 Edition, page iv
Applicability	A Guide to the Applicability of the 1996 Edition of the Civil Service Commission Rules, page ix
Amendment	Amendment Control Sheet, page xi

Chapter I

General and Administrative Rules

Rule 1	Authority and Purpose, page 1.1
Rule 2	Definitions, page 2.1
Rule 3	Equal Employment Opportunity, page 3.1
Rule 4	Administration, page 4.1
Rule 5	Meetings and Hearings of the Commission, page 5.1
Rule 6	Transport Workers Union - S. F. Municipal Railway Trust Fund, page 6.1
Rule 7	Rules Related to the Employer-Employee Relations Ordinance, page 7.1
Rule 8	Approval of Payrolls (Proposed)

Chapter II

Rules Governing the Civil Service Merit System

Rule 9	Position Classification and Related Rules, page 9.1
Rule 10	Examination Announcements and Applicants, page 10.1
Rule 11	Examinations, page 11.1
Rule 12	Eligible Lists, page 12.1
Rule 13	Certification of Eligibles, page 13.1
Rule 14	Appointments, page 14.1

Rules - Table of Contents, Chapter II (cont.)

Rule 15	Exempt Employment of Individuals Who are Severely Disabled, page 15.1
Rule 16	Medical Examinations, page 16.1
Rule 17	Probationary Period, page 17.1
Rule 18	Conflict of Interest, page 18.1
Rule 19	Resignation, page 19.1

Chapter III**Miscellaneous Rules and Rules Governing Employee Separations**

Rule 20	Leaves of Absence, page 20.1
Rule 21	Layoff, page 21.1
Rule 22	Employee Separation Procedures, page 22.1

Chapter IV**Rules posted by the Civil Service Commission for deletion**

(until final action is taken by the Commission, the Rules in Chapter IV are in full force and effect)

Rule X9D	Promotional Examinations for Employees on Military Leave, page X9D.1
Rule X18	Employee Relations - Grievance Procedure, page X18.1
Rule X23	Standing and Special Committees, page X.23.1
Rule X24	Apprenticeship Program, page X24.1
Rule X27	Temporary Exchanges for Training Purposes, page X27.1
Rule X28	Employee Training Reimbursement Program, page X28.1
Rule X30	Personnel Service Records, page X30.1
Rule X31	Overtime, page X.25

Preface to the 1996 Edition of the Civil Service Commission Rules
Effect of Recodification on Previous Rules

Adopted by the Civil Service Commission on January 8, 1996

It is the purpose of the Civil Service Commission by enacting the 1996 version of the Civil Service Commission Rules to recodify and re-enact without substantive change, all provisions of the Civil Service Commission Rules which took effect on July 1, 1971, as amended from time to time, with only minor clerical and grammatical changes. In case of any inconsistency arising through omission or otherwise between the provisions of any section of the recodified Rules and the corresponding portion of the 1971 Rules, as amended, effect shall be given for all purposes whatsoever to the portion of the 1971 Rules, as amended.

Cross-Reference Guide to the Recodification of the 1994 Version of the Civil Service Commission Rules

Former Rule.	Sec. No(s).	Title(s)	New Rule/ Sec. No(s).	Title(s)
Rule 1	All sections except 1.03	Authority and Purpose	Rule 1	Authority and Purpose
Rule 1	Sec. 1.03	Affirmative Action Plan and Policy for Equal Employment Opportunities	Rule 3	Equal Employment Opportunity
Rule 2	Entire Rule	Definitions	Rule 2	Definitions
Rule 3	Entire Rule	Administration	Rule 4	Administration
Rule 4	Entire Rule	Meetings of the Commission	Rule 5	Meetings and Hearings of the Commission
Rule 5	Entire Rule	General Hearing and Meeting Procedures	Rule 5	Meetings and Hearings of the Commission
Rule 6	Sec. 6.01	Rules of Procedure Governing Separation Hearings	Rule 22	Employee Separation Procedures Article I: Separation Procedures
Rule 6	Sec. 6.02	Procedure for Termination of Temporary Employee	Rule 22	Employee Separation Procedures Article II: Termination of Temporary Employee
Rule 6	Sec. 6.03	Procedure for Termination of Limited Tenure Employee	Rule 22	Employee Separation Procedures Article III: Termination of Limited Tenure Employee
Rule 6	Sec. 6.04	Procedure for Termination of Entrance Probationary Employee	Rule 17	Probationary Period Article III: Separation of Probationary Employees
Rule 6	Sec. 6.05	Procedure for Termination of Promotive Probationary Employee	Rule 17	Probationary Period Article III: Separation of Probationary Employees
Rule 6	Sec. 6.06	Dismissal of Permanent Employee	Rule 22	Employee Separation Procedures Article IV: Dismissal of Permanent Employee
Rule 6	Sec. 6.07	Procedure for Hearing on Charges Against an Employee When the Appointing Officer Neglects or Refuses to Act	Rule 22, Sec. 22.8	Employee Separation Procedures Article IV: Dismissal of Permanent Employee
Rule 6	Sec. 6.08	Eligibility Status Pending Commission Action on Termination or Dismissal	Rule 22, Sec. 22.2	Employee Separation Procedures Article I: Separation Procedures
Rule 6	Sec. 6.09	Effect of Failure to Request Commission Review of Termination or Dismissal	Rule 22, Sec. 22.3	Employee Separation Procedures Article I: Separation Procedures
Rule 6	Sec. 6.10	Effect of Failure to Request Commission Review of Termination or Dismissal	Rule 22, Sec. 22.4	Employee Separation Procedures Article I: Separation Procedures

Former Rule	Sec. No(s).	Title(s)	New Rule/ Sec. No(s).	Title(s)
Rule 6A	Entire Rule	Dismissal during Probationary Period	Rule 17	Probationary Period Article IV: Termination During the Probationary Period
Rule 7	Entire Rule	Classification	Rule 9	Position Classification and Related Rules, Article I: Classification
Rule 8	Entire Rule	Examination Announcements and Applicants	Rule 10	Examination Announcements and Applicants Article I: Equal Employment Opportunity Policy Article II: Examination Announcements Article III: Applicants
Rule 9	Entire Rule	Examinations	Rule 11	Examinations Article I: Examination Provisions
Rule 9A	Entire Rule	Veterans Preference in Examinations	Rule 11	Examinations Article III: Veterans Preference in Examinations
Rule 9B	Entire Rule	Promotional Examinations for Employees on Military Leave	Chapter IV Rule X9	Proposed for deletion
Rule 10	Entire Rule	Eligible Lists	Rule 12	Eligible Lists Article I: Administration of Eligible Lists
Rule 11	Entire Rule	Certification of Eligibles	Rule 13	Certification of Eligibles
Rule 12	Entire Rule	Appointments	Rule 14	Appointments Article I: General Provisions
Rule 12A	Entire Rule	Employment in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I	Rule 14	Appointments Article VII: Employment in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I
Rule 13	Entire Rule	Reinstatement and Reappointment	Rule 14	Appointments Article IV: Appointment by Reinstatement Article V: Reappointment
Rule 14	Sec. 14.01(A)	Part-Time and As-Needed Employment	Rule 2, Sec. 2.22	Part-Time Employment
Rule 14	Sec. 14.01(B)	Waiver of Part-Time Employment	Rule 13, Sec. 13.6.2	Waiver of Part-Time Employment
Rule 14	Sec. 14.01(C)	Advancement from Part-Time or School-Term Position to Full Time	Rule 14, Sec. 14.8	Advancement from Part-Time or School-Term Position to Full Time
Rule 14	Sec. 14.02	As-Needed Employment	Rule 2, Sec. 2.23.6	Definitions, Position: As-Needed
Rule 15	Entire Rule	Medical Examinations	Rule 16	Medical Examinations

Former Rule	Sec. No(s).	Title(s)	New Rule/ Sec. No(s).	Title(s)
Rule 16	Entire Rule	Probationary Period	Rule 17	Probationary Period Article I: Administration of the Probationary Period
Rule 16	Rule 16 Appendix	Classes Requiring More Than Six Months Probationary Period	Rule 17, Sec. 17.20	Probationary Period Article VI: Classes Requiring More than Six Months Probationary Period
Rule 17	Entire Rule	Status Rights	Rule 9	Position Classification and Related Rules Article III: Status Rights
Rule 18	Entire Rule	Employee Relations - Grievance Procedure	Chapter IV Rule X18	Proposed for deletion
Rule 19	Entire Rule	Transport Workers Union - San Francisco Municipal Railway Trust Fund	Rule 6	Transport Workers Union - San Francisco Municipal Railway Trust Fund
Rule 20	Entire Rule	Transfers	Rule 14	Appointments Article VI: Appointment by Transfer
Rule 21	Entire Rule	Rules Related to the Employer-Employee Relations Ordinance	Rule 7	Rules Related to the Employer-Employee Relations Ordinance
Rule 22	Entire Rule	Leaves of Absence	Rule 20	Leaves of Absence
Rule 23	Entire Rule	Standing and Special Committees	Chapter IV Rule X23	Proposed for deletion
Rule 24	Entire Rule	Apprenticeship Program	Chapter IV Rule X24	Proposed for deletion
Rule 25	All except 25.03	Absence from Duty Without Leave	Rule 22	Employee Separation Procedures Article VI: Absence from Duty Without Leave
Rule 25	25.03	Processing Resignation When No Written Notice	Rule 19	Resignation Sec. 19.6 - Processing Resignation When No Written Notice
Rule 26	Entire Rule	Temporary Out-of-Class Assignments	Rule 9	Position Classification and Related Rules Article II: Temporary Out-of-Class Assignments
Rule 27	Entire Rule	Temporary Exchanges for Training Purposes	Chapter IV Rule X27	Proposed for deletion
Rule 28	Entire Rule	Employee Training Reimbursement Program	Chapter IV Rule X28	Proposed for deletion
Rule 29	Entire Rule	Part-Time Employment of Activity in Addition to Full-Time Civil Service Employment	Rule 18	Conflict of Interest
Rule 30	Entire Rule	Personal Service Records	Chapter IV Rule X30	Proposed for deletion
Rule 31	Entire Rule	Overtime	Chapter IV Rule X31	Proposed for deletion

Former Rule	Sec. No(s).	Title(s)	New Rule/ Sec. No(s).	Title(s)
Rule 32	All except 32.10 & 32.11	Layoff and Involuntary Leave	Rule 21	Layoff
Rule 32	Sec. 32.10	Holdover Status and Return to Duty	Rule 12	Eligible Lists Article V: Holdover Rosters
Rule 32	Sec. 32.11	Involuntary Leave of Absence	Rule 20, Sec. 20.37	Leaves of Absence Article IX: Other Leaves of Absence
Rule 33	all except 33.06	Resignation	Rule 19	Resignation
Rule 33	Sec. 33.06	Procedure for Review of Resignation - Services Unsatisfactory	Rule 22	Employee Separation Procedures Article V: Resignation - Services Unsatisfactory
Rule 34	Entire Rule	Exempt Employment of Individuals Who are Severely Disabled	Rule 15	Exempt Employment of Individuals Who are Severely Disabled
Appendix Rule 2	Entire Rule	Definitions	Rule 2	Definitions
Appendix Rule 6	Entire Rule	Separation Hearings and Procedures, etc.	Rule 22	Employee Separation Procedures
Appendix Rule 6A	Entire Rule	Dismissal During Probationary Period	Rule 17	Probationary Period Article V: Dismissal During Probationary Period
Appendix Rule 8	Entire Rule	Applications and Notice of Examinations	Rule 10	Examination Announcements and Applicants Article IV: Applications and Notice of Examinations
Appendix Rule 8A	Entire Rule	Qualifications of Applicants	Rule 10	Examination Announcements and Applicants Article V: Qualifications of Applicants
Appendix Rule 9	Entire Rule	Examinations	Rule 11	Examinations Article II: Examination Process
Appendix Rule 9A	Entire Rule	Examinations of Applicants	Rule 11, Sec. 11.36	Examinations Article II: Examination Process
Appendix Rule 9B	Entire Rule	Protest of Written Questions and Answers	Rule 11, Sec. 11.37	Examinations Article II: Examination Process
Appendix Rule 9C	Entire Rule	Veterans Preference in Examinations	Rule 11	Examinations Article III: Veterans Preference in Examinations
Appendix Rule 9D	Entire Rule	Promotional Examinations for Employees on Military Leave	Chapter IV Rule X9	Proposed for deletion
Appendix Rule 10	Entire Rule	Eligible Lists	Rule 12	Eligible Lists Article II: Eligible Lists and Eligibility
Appendix Rule 10A	Entire Rule	Protest of Tentative List of Eligibles	Rule 12	Eligible Lists Article III: Protest of Tentative Eligible List

Former Rule	Sec. No(s).	Title(s)	New Rule/ Sec. No(s).	Title(s)
Appendix Rule 10B	Entire Rule	Duration of Lists of Eligibles	Rule 12	Eligible Lists Article IV: Duration of Eligible Lists
Appendix Rule 12	Entire Rule	Appointments	Rule 14	Appointments Article I: General Provisions
Appendix Rule 12A	Entire Rule	Limited Tenure Appointments	Rule 14	Appointments Article II: Limited Tenure Appointments
Appendix Rule 12B	Entire Rule	Temporary and Emergency Appointments	Rule 14	Appointments Article III: Temporary and Emergency Appointments
Appendix Rule 16	Entire Rule	Probationary Period	Rule 17	Probationary Period Article II: Probationary Period Administration
Appendix Rule 32	Entire Rule except 32.10	Layoff and Involuntary Leave	Rule 21	Layoff
Appendix Rule 32	Sec. 32.10	Holdover Status and Return to Duty	Rule 12	Eligible Lists Article V: Holdover Rosters

**A GUIDE TO THE APPLICABILITY OF THE 1996 EDITION
OF THE CIVIL SERVICE COMMISSION RULES**

Employees under Charter Section	Categories of Employees	Comments/Rules Applicability
8.590	Uniformed members of Police and Fire Departments; Airport Police	<ul style="list-style-type: none"> ♦ Provisions in <u>Chapter I</u> apply except as may be specifically noted in the Rules section. ♦ Provisions in <u>Chapters II and III</u> apply only if specifically agreed through the Collective Bargaining Agreement (CBA). ♦ All terms and conditions of employment may be bargained and contained in CBA. ♦ No civil service "carve-outs" (see reverse side)
8.403	Registered Nurses except Classes 2369, 2370, 2833, and 2836.	<ul style="list-style-type: none"> ♦ All Civil Service Commission Rules apply except as may be specifically noted in the Rules section because of the stage of meet and confer with the employee organization.
8.404	Municipal Railway Drivers (Class 9163)	
8.409	Miscellaneous Employees and Registered Nurse classes 2369, 2370, 2833, and 2836. (all employees other than those covered under Charter Section 8.403, 8.404 and 8.590)	<ul style="list-style-type: none"> ♦ Provisions of <u>Chapter I</u> apply except as may be specifically noted in the Rules section. ♦ Provisions of <u>Chapter II</u> are a "carve-out" (see reverse side) and all provisions apply except as may be specifically noted in the Rules section because of the stage of meet and confer with the employee organization. ♦ All matters not "carved out" by 8.409-3 (see reverse side) found in Rules <u>Chapter III</u> may be bargained and contained in CBA. ♦ <u>Chapter III</u> Rules in general do not apply except as agreed through CBA or where it is a "carve-out" matter (see reverse side) such as "definitions."

DIVISIONS OF THE 1996 EDITION OF THE CIVIL SERVICE COMMISSION RULES

Chapter I:	General and Administrative Rules
Chapter II:	Rules Governing the Civil Service Merit System
Chapter III:	Miscellaneous Rules and Rules Governing Employee Separations
Chapter IV:	Rules Proposed for Deletion

What are "Carve-outs"?

Charter Section 8.409, which covers "miscellaneous employees" of the City and County of San Francisco, exempts from collective bargaining those matters in the jurisdiction of the Civil Service Commission which establish, implement, and regulate the City and County of San Francisco civil service merit system. These exemptions from collective bargaining for miscellaneous employees are commonly referred to as the civil service "carve-outs." The civil service "carve-outs" are contained in Charter Section 8.409-3 and are excerpted below.

Employees covered under Charter Section 8.403 (most Registered Nurse Classes) and employees covered by Charter Section 8.404 (Municipal Railway Drivers) are subject to all Civil Service Commission Rules. Neither Section 8.403 nor Section 8.404 contains any exclusions from complete coverage by the Civil Service Commission Rules. There are no "carve-outs," all Civil Service Commission Rules apply.

Members of the uniformed ranks of the San Francisco Police Department and the San Francisco Fire Department as well as all classes in the Airport Police Series are covered by Charter Section 8.590. Charter Section 8.590 does not provide civil service exemptions from collective bargaining. Consequently, many matters including those merit system subjects traditionally under the jurisdiction of the Civil Service Commission are negotiable and subject to collective bargaining. However, certain Civil Service Commission Rules or portions of these may be applicable. In addition, both the Police and Fire Departments are subject to the terms of Consent Decrees which may preempt both Charter and Rules provisions. There are no "carve-outs," some Civil Service Commission Rules may apply.

Civil Service Commission "Carve-Outs" (excerpt from Charter Section 8.409-3)

Except insofar as they affect compensation, those matters within the jurisdiction of the Civil Service Commission which establish, implement and regulate the Civil Service Merit System shall not be subject to bargaining under this part:

- ♦ the authority, purpose, definitions, administration, and organization of the merit system and the Civil Service Commission;
- ♦ policies, procedures and funding of the operations of the Civil Service Commission and its staff;
- ♦ the establishment and maintenance of a classification plan including the classification and reclassification of positions and the allocation and reallocation of positions to the various classes;
- ♦ status rights;
- ♦ the establishment of standards, procedures and qualifications of employment, recruitment, application, examination, selection, certification and appointment;
- ♦ the establishment, administration and duration of eligible lists;
- ♦ probationary status and the administration of probationary periods, except duration;
- ♦ pre-employment and fitness for duty medical examinations except for the conditions under which referrals for fitness for duty examinations will be made; and the imposition of new requirements;
- ♦ the designation of positions as exempt, temporary, limited tenure [provisional], part-time, seasonal or permanent;
- ♦ resignation with satisfactory service and reappointment;
- ♦ exempt entry level appointment of the handicapped;
- ♦ approval of payrolls; and
- ♦ conflict of interest

Rule 1

Authority and Purpose

Applicability: Unless otherwise noted, the provisions of Rule 1 apply to employees in all classes.

<u>Sec. 1.1</u>	<u>Rules Prescribed-Authority</u>
<u>Sec. 1.2</u>	<u>Purpose</u>
<u>Sec. 1.3</u>	<u>Merit System Principles (Proposed)</u>
<u>Sec. 1.4</u>	<u>Severability</u>
<u>Sec. 1.5</u>	<u>Amendment of Rules</u>
<u>Sec. 1.6</u>	<u>Court Actions</u>

Rule 1

Authority and Purpose

Applicability: Unless otherwise noted, the provisions of Rule 1 apply to employees in all classes.

Sec. 1.1 Rules Prescribed-Authority

Under the authority of Article XI of the Constitution of the State of California and under Section 3.661 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt these Rules which shall have the force and effect of law.

Sec. 1.2 Purpose

These Rules are prescribed for the purpose of implementing the Charter provisions, assuring continuance of the merit system, prompting efficiency in the dispatch of public business, and assuring all persons in the classified service and all persons seeking admission thereto fair and impartial treatment.

Sec. 1.3 Merit System Principles

(Proposed)

Sec. 1.4 Severability

- 1.4.1 If any rule, section, paragraph, sentence, clause, or phrase of these Rules is declared unconstitutional or void for any reason, such declaration shall not affect the validity of the remaining portions of these Rules. The Commission hereby declares that it would have prescribed and adopted these Rules, and each rule, section, paragraph, sentence, clause and phrase hereof, irrespective of the fact that any one or more Rules, sections, paragraphs, sentences, clauses, or phrases be declared unconstitutional or void.
- 1.4.2 The titles assigned to Rules and sections are for reference purposes only and shall not be considered as a substantive part of these Rules.
- 1.4.3 If there is any conflict in the provisions of these Rules and the Administrative Code of the City and County of San Francisco, the Administrative Code language shall apply.

Applicability: Unless otherwise noted, the provisions of Rule 1 apply to employees in all classes.

Sec. 1.5 **Amendment of Rules**

The Commission may at any time amend these Rules. Any such proposed amendment shall be posted for a minimum of seven consecutive calendar days prior to adoption. Upon adoption, changes in the Rules shall be in effect and shall be printed. No change in the Rules shall affect a case pending before the Civil Service Commission.

Sec. 1.6 **Court Actions**

In the event of an adverse decision in a legal action to which the Commission is a party, the City Attorney shall appeal through and to the highest court for final decision unless otherwise ordered by the Commission.

Rule 2

Definitions

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

<u>Sec. 2.1</u>	<u>Appointment</u>
<u>Sec. 2.2</u>	<u>Appointing Officer</u>
<u>Sec. 2.3</u>	<u>Appointment Date</u>
<u>Sec. 2.4</u>	<u>Bulletin Board</u>
<u>Sec. 2.5</u>	<u>Certification Date</u>
<u>Sec. 2.6</u>	<u>Charter</u>
<u>Sec. 2.7</u>	<u>City</u>
<u>Sec. 2.8</u>	<u>Civil Service Department</u>
<u>Sec. 2.9</u>	<u>Class</u>
<u>Sec. 2.10</u>	<u>Classification Plan</u>
<u>Sec. 2.11</u>	<u>Classified Service</u>
<u>Sec. 2.12</u>	<u>Commission</u>
<u>Sec. 2.13</u>	<u>Commissioner</u>
<u>Sec. 2.14</u>	<u>Department</u>
<u>Sec. 2.15</u>	<u>Department of Human Resources</u>
<u>Sec. 2.16</u>	<u>Eligible</u>
<u>Sec. 2.18</u>	<u>Executive Session</u>
<u>Sec. 2.19</u>	<u>Human Resources Director</u>
<u>Sec. 2.20</u>	<u>Layoff</u>
<u>Sec. 2.21</u>	<u>Near List</u>
<u>Sec. 2.22</u>	<u>Part-Time Employment</u>
<u>Sec. 2.23</u>	<u>Position</u>
<u>Sec. 2.24</u>	<u>Post</u>
<u>Sec. 2.25</u>	<u>School Districts</u>
<u>Sec. 2.26</u>	<u>Seniority</u>
<u>Sec. 2.27</u>	<u>Service</u>
<u>Sec. 2.28</u>	<u>Start Work Date</u>
<u>Sec. 2.29</u>	<u>Time Periods</u>
<u>Sec. 2.30</u>	<u>Validation Date</u>

Rule 2

Definitions

Applicability: Unless otherwise noted, the provisions of Rule apply to employees in all classes.

Unless otherwise required by the context, the words listed below and as used in these Rules have the following meanings:

Sec. 2.1 Appointment

2.1.1 Permanent Civil Service

An appointment made as a result of a certification from an eligible list to a permanent position or to a position declared permanent.

2.1.2 Probationary

Status of employees during a trial period following permanent appointment.

2.1.3 Temporary Civil Service

An appointment made to a temporary position as a result of certification from an eligible list

2.1.4 Provisional

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which in either case, is time limited as provided elsewhere in these Rules.

2.1.5 Provisional

Sec. 2.1.5 applies only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A; and the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

1) Non-Civil Service

An appointment to a permanent or temporary position in the absence of an available eligible or in an emergency which, in either case, is time limited to a maximum duration as provided elsewhere in these Rules.

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

Sec. 2.1 **Appointment (cont.)**

2.1.5 **Provisional (cont.)**

Sec. 2.1.5 applies only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A; and the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

2) Limited Tenure

An appointment to a permanent or temporary position in the absence of an available eligible. Use of limited tenure appointment is restricted as provided in these Rules.

2.1.6 **Exempt**

An appointment to a permanent or temporary position exempt from being filled from an eligible list in accordance with the provisions of Section 8.300 of the Charter.

Sec. 2.2 **Appointing Officer**

The head of an organizational unit having appointive authority within the organizational unit and the powers of a department head as defined in Section 3.501 of the Charter.

Sec. 2.3 **Appointment Date**

The date on which an appointing officer notifies the Department of Human Resources of his or her selection from a list of eligibles certified by the Department of Human Resources.

Sec. 2.4 **Bulletin Board**

The official bulletin boards, so designated, at the Civil Service Department and Department of Human Resources, used for posting of examinations and public announcements of the Commission and Department of Human Resources.

Sec. 2.5 **Certification Date**

The date on which the Department of Human Resources notifies an appointing officer of the name of eligible from which appointment may be made to fill position.

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

Sec. 2.6 **Charter**

The Charter of the City and County of San Francisco.

Sec. 2.7 **City**

The City and County of San Francisco.

Sec. 2.8 **Civil Service Department**

The administrative office of the Commission under the direction of the Executive Officer.

Sec. 2.9 **Class**

A position or group of positions for which a common descriptive job title may be used.

Sec. 2.10 **Classification Plan**

All the classes which have been established, the procedures for maintaining the plan, and the specifications or descriptions of each of the classes.

Sec. 2.11 **Classified Service**

Includes all positions in the City service subject to competitive examination.

Sec. 2.12 **Commission**

The administrative body of Civil Service Commissioners empowered to enforce the civil service provisions of the Charter.

Sec. 2.13 **Commissioner**

A member of the Civil Service Commission of the City and County of San Francisco, appointed by the Mayor.

Sec. 2.14 **Department**

Organizational unit or units under one appointing officer

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

Sec. 2.15 Department of Human Resources

The Department charged with administering the policies, Rules, and procedures of the Civil Service Commission and performing such other duties and functions as set forth in the Charter.

Sec. 2.16 Eligible

A person who has standing on an eligible list.

Sec. 2.17 Eligible List

A list of names of persons who have passed a civil service examination.

Sec. 2.18 Executive Session

A meeting or part of a meeting of the Commission legally held in private or with the general public excluded.

Sec. 2.19 Human Resources Director

Director of the Department of Human Resources.

Sec. 2.20 Layoff

Separation from a position because of economy, lack of funds, or lack of work.

Sec. 2.21 Near List

An eligible list or a holdover roster in a class similarly related to a class for which there is no eligible list from which the Human Resources Director may authorize the certification of eligibles for temporary civil service appointment.

Sec. 2.22 Part-Time Employment

Part-time employment is regularly scheduled, less than full-time, permanent or temporary appointment to a permanent or temporary position.

Sec. 2.23 Position

Duties and responsibilities assigned by an appointing officer to be performed by one employee.

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

Sec. 2.23 Position (cont.)

2.23.1 Permanent

A collection of duties, regardless of the source and nature of the funds, performed by one individual, which represent the ongoing work of the City and County. Such position(s) may be either:

- 1) enumerated in the Annual Salary Ordinance or Salary Resolutions of the School Districts for which funds have been provided on a continuing basis; or
- 2) a position declared to be permanent by action of the Human Resources Director.

2.23.2 Temporary

A position in which the duties and responsibilities exist for a maximum duration of 1040 hours except in the case of a special project, defined elsewhere in these Rules, for up to a maximum duration of 2080 hours.

2.23.3 Part-Time

Positions less than the established full-time normal schedule of hours per day or days per week.

2.23.4 Exempt

Temporary or permanent positions exempted from being filled from eligible lists in accordance with the provisions of Section 8.300 of the Charter.

2.23.5 School-Term Only

Positions in the School Districts established for school term periods only.

2.23.6 As-Needed

A temporary or provisional appointment on either a full-time or part-time work schedule against a temporary requisition designated as as-needed to cover peak workloads, emergency extra workloads, necessary relief, and other situations involving a fluctuating staff.

Sec. 2.24 Post

To place on the official Bulletin Board.

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

Sec. 2.25 School Districts

San Francisco Unified School District and San Francisco Community College District.

Sec. 2.26 Seniority

2.26.1 Civil Service - Permanent

Seniority shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

2.26.2 Civil Service - Temporary (from eligible list)

Seniority shall be determined by the date of certification which resulted in a temporary appointment to a temporary position in a class in a department. In the event of identical dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior.

2.26.3 Civil Service - Limited Tenure

Sec. 2.26.3 applies only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A; and the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Seniority shall be determined by the date an appointee starts to work in a position in a class in a department on a limited tenure basis. Seniority in the event of ties shall be determined by the appointing officer. Employees who resign or are terminated and subsequently are reappointed shall have their seniority determined by their new dates of certification following separation.

2.26.4 Departmental

Seniority for shift and work assignments, vacation or holiday schedule is determined by the appointing officer and is not within the authority of the Civil Service Commission or the Department of Human Resources.

Sec. 2.27 Service

The City and County of San Francisco government service, including the classified positions in the School Districts.

Applicability: Unless otherwise noted, the provisions of Rule 2 apply to employees in all classes.

Sec. 2.28 **Start Work Date**

The date on which an appointee is first reported on the timeroll as working.

Sec. 2.29 **Time Periods**

Reference to time periods, such as one week or one month, etc., shall mean calendar days unless the rule specifically refers to business days.

Sec. 2.30 **Validation Date**

The date on which the Department of Human Resources notifies an appointing officer that it has approved an appointment.

Rule 3

Equal Employment Opportunity

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superseded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.1 **Policy for Equal Employment Opportunities**

Sec. 3.2 **Analysis of the Work Force**

Sec. 3.3 **Affirmative Action Program for Equal Employment Opportunities**

Sec. 3.4 **Dissemination of the Rule**

Sec. 3.5 **Monitoring and Evaluation**

Sec. 3.6 **Discrimination Complaints**

Sec. 3.7 **Incorporation of Federal Guidelines**

Sec. 3.8 **Annual Supplementary Plan**

Sec. 3.9 **Delegation of Responsibility**

Rule 3

Equal Employment Opportunity

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.1 Policy for Equal Employment Opportunities

- 3.1.1** It is the policy of the Civil Service Commission of the City and County of San Francisco that the doors of opportunity be maintained wide open to women and minorities in or seeking employment to the Service, that selection of employees to positions within the Service be made on the basis of merit in a racially and politically neutral way, and that continuing programs be maintained to afford equal opportunities to women and minority persons to achieve meaningful employment at all levels.
- 3.1.2** Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department toward the end that all persons, regardless of race, religion, sex, national origin, ethnicity, age, disability, political affiliation, sexual orientation, gender identity, color, marital status, medical condition (cancer-related) or the conditions of Acquired Immune Deficiency Syndrome (AIDS) and AIDS related conditions (ARC) or other non-merit factors or otherwise prohibited nepotism or favoritism shall have equal access to positions in the Service, limited only by their ability to do the job.
- 3.1.3** No person in the Classified Service or seeking admission thereto, shall be appointed, reduced, removed, or in any way favored or discriminated against in employment or opportunity for employment because of race, color, sex, sexual orientation, gender identity, political affiliation, age, religion, national origin, disability, ancestry, marital status, color, medical condition (cancer-related), ethnicity or the conditions Acquired Immune Deficiency Syndrome (AIDS) and AIDS related conditions (ARC) or other non-merit factors or otherwise prohibited nepotism or favoritism.
- 3.1.4** No person in the Classified Service or seeking admission thereto shall be discriminated against by reason of the exercise of his or her constitutional right of free speech in any language. This section shall not preclude departmental action against employees for inability to perform their jobs.
- 3.1.5** Departments, agencies, boards, and commissions of the City and County of San Francisco shall be required to provide reasonable accommodation to qualified employees and applicants who have the conditions know as Acquired Immune Deficiency Syndrome (AIDS) and AIDS related conditions (ARC).

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.2 Analysis of the Work Force

- 3.2.1** Each department shall maintain records of its work force composition by race, sex, ethnicity and classification. These records shall also reflect new employments, promotions, transfers, and voluntary separations; and shall be reported to the Department of Human Resources, Federal and State agencies as required. Individual employee names shall remain a confidential part of these records. The Department of Human Resources shall make the non-confidential elements of these records available for public review upon request.
- 3.2.2** From the foregoing records, the Department of Human Resources staff shall annually prepare and report to the Commission an analysis of the work force to determine whether percentages of sex, race, or ethnic groups in individual job classes are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job-related qualifications.
- 3.2.3** Whenever such analysis discloses substantial disparities within individual classes, each element of the overall selection process shall be examined to determine which, if any, elements operate to exclude persons on the basis of sex, race or ethnic group. Such elements shall include, but are not limited to, recruitment, testing, ranking, certification and interviewing. The examination of each element of the selection process shall at a minimum include a determination of its validity in predicting job performance

Sec. 3.3 Affirmative Action Program for Equal Employment Opportunities

- 3.3.1** Where the Commission finds that invalid selection procedures have had an exclusionary effect, the Commission shall establish goals and timetables for the specific job class or occupational category and shall initiate measures designed to assure that qualified members of affected groups are included within the pool of persons from which selections are made, all of which shall take into account the availability of funding and basically qualified persons in the relevant job market.
- 3.3.2** The Commission directs the Human Resources Director to maintain the following affirmative action steps designed to maintain equal employment opportunities:
- 1)** the examination of each element of each selection process to determine, at a minimum, its job relationship validity in predicting job performance;
 - 2)** outreach recruitment designed to attract qualified members of disadvantaged groups;

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.3 Affirmative Action Program for Equal Employment Opportunities (cont.)

3.3.2 (cont.)

- 3) job restructuring efforts with the cooperation of appointing authorities to organize work and redesign jobs in ways that provide entry-level training opportunities for persons lacking "journey-level knowledge of skills to enter, and, with appropriate training, to progress in a career field;
- 4) revamping of selection instruments or procedures, as necessary, in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;
- 5) inclusion of woman and minorities on oral appraisal boards when practicable. Oral appraisal board orientations shall be conducted in writing or by means of automatic recording devices, and all such written orientation records shall be retained with the permanent records of the examination and may be inspected by candidates as provided elsewhere in these Rules as to inspection of papers; and
- 6) systematic efforts to provide career advancement training, both classroom and on-the-job, to employees locked into dead-end jobs.

Sec. 3.4 Dissemination of the Rule

Copies of the foregoing affirmative action Rule shall be available in all City departments, which shall be responsible for its widest practicable dissemination. Members of the oral appraisal boards shall be given copies of this Rule well in advance of interview sessions. The Rule shall be distributed to all recruitment sources, local media, and employee representative organizations.

Sec. 3.5 Monitoring and Evaluation

The Human Rights Commission of the City and County of San Francisco shall quarterly review the compliance status in regard to this Rule and shall quarterly report its findings and recommendations to the Commissioners of the Civil Service Commission and to the Mayor. Upon request of the Human Rights Commission, the staff of the Department of Human Resources shall fully disclose all such non-confidential books, records, documents, and other information as the Human Rights Commission shall deem relevant to the monitoring and evaluation function herein described. Upon request, the Human Resources Director or authorized designee shall appear and give testimony before the Human Rights Commission with respect to compliance with any of the provisions of this Rule.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.6 Discrimination Complaints

3.6.1 Purpose

Pursuant to Charter Section 3.661, this Rule establishes procedures to review and resolve allegations of discrimination on the basis of race, religion, sex, national origin, ethnicity, age, disability, political affiliation, sexual orientation, gender identity, ancestry, marital status, color, medical condition (cancer-related), or the conditions Acquired Immune Deficiency Syndrome (AIDS) and AIDS related conditions (ARC), other non-merit factors or otherwise prohibited nepotism or favoritism. Any employee or applicant may file a complaint alleging that he or she has been discriminated against as a result of any employment decision made by any agency, department, or commission of the City and County of San Francisco. The sole purpose of proceedings under this section is to provide a mechanism for the investigation and resolution of such charges of discrimination and to provide a mechanism for the investigation and resolution of such charges of discrimination and to provide an appropriate remedy for the complainant where a determination is made that discrimination prohibited by this Rule has occurred.

3.6.2 Filing a complaint of Discrimination

Filing a complaint under this Rule shall consist of the submission of a signed letter to the Human Resources Director specifying those facts and reasons which support the charge. The letter of complaint must clearly state the basis upon which the charge of discrimination is filed and the specific adverse action about which the employee is complaining. The complainant bears the burden of proof and toward this end, should also provide supporting documents, names of witnesses and/or other facts that tend to corroborate the charge.

3.6.3 Filing Deadline Requirement

All such complaints must be filed, as specified above, within 30 calendar days of the alleged discriminatory action or within 30 calendar days of the date the complainant should have been aware of the alleged violation. The timely filing of said complaint under a specific Civil Service Commission approved departmental discrimination complaint procedure, where applicable, shall serve to satisfy this time requirement.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.6 Discrimination Complaints (cont.)

3.6.4 Discrimination Complaint Process

1) Upon receipt, the Human Resources Director shall forward a copy of all such complaints to the San Francisco Human Rights Commission. The Department of Human Resources Equal Employment Opportunity Division (hereinafter EEO Division) shall act on behalf of the Human Resources Director, for purposes of investigation, mediation, and/or any other resolution of all such complaints.

2) The EEO Division shall contact the complainant for purposes of scheduling an initial intake interview and completion of the appropriate EEO complaint form. A copy of the complaint shall immediately thereafter be forwarded to the department against whom charges have been made.

3) Within ten working days of written notification to the department being charged, the EEO Division shall contact both parties to determine if resolution of the complaint is possible. Both parties are strongly encouraged to voluntarily attempt resolution of the allegations. The EEO Division shall serve as a vehicle to mediate an amicable settlement where possible. Such an attempt shall not imply any determination or concession by either party with regard to the merit of the charges. Successful attempts at resolution shall result in a written agreement signed by both parties. A copy of said agreement shall be submitted to the Human Resources Director for review. Such to those limits prescribed by law, resolution agreements shall be implemented as soon as practicable.

4) Should the attempt at resolution fail, the EEO Division shall conduct an investigation of the charges. Such investigative authority shall include the reviewing and obtaining of copies of relevant documents, interviewing individuals and such other activity as may be necessary to obtain information pertinent to the specifics of the charges. The investigation shall result in the submission of an Investigative Report or a Recommendation of Dismissal to a panel of three persons of whom one shall be designated by the Human Resources Director, one by the Office of the Mayor and one by the San Francisco Human Rights Commission (hereinafter the Panel). This Panel shall constitute the Human Resource Director's designee for purposes of hearing and disposition of employment discrimination complaints.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.6 Discrimination Complaints (cont.)

3.6.4 Discrimination Complaint Process (cont.)

5) Where it appears after investigation that the complaint clearly fails to constitute a violation of this Rule, the EEO Division shall prepare a Recommendation of Dismissal specifying the reasons therefore. Said recommendation shall be forwarded to the Panel for review, to the complainant, and to the department charged with the alleged violation. Within ten calendar days of the postmarked date of the Recommendation of Dismissal, the complainant may submit in writing to the EEO Division any facts or reasons opposing the Recommendation of Dismissal. The complainant's submission shall be immediately transmitted by the EEO Division to the Panel. As soon as practicable after the receipt of complainant's submission or the expiration of complainant's time for submission, the Panel shall, in writing, dismiss the complaint or deny the Recommendation of Dismissal specifying the reasons therefore. Copies of the Panel's determination on the Recommendation of Dismissal shall be forwarded, within five working days of the ruling, to the complainant and the department involved. No evidentiary hearing shall be held on the Recommendation of Dismissal. The complainant may appeal a Panel's determination to the Civil Service Commission. The procedure and time limit for requesting such appeal shall be as provided below.

6) Where it appears after investigation that corroborative evidence exists to warrant hearing of the charges, an investigative report shall be forwarded to the Panel and the hearing scheduled. Both parties to the complaint shall be given at least ten working days notice of the date, time, and location of the hearing. The complainant and the department shall have the right to have a representative at the hearing, call a reasonable number of witnesses, pose pertinent questions of opposing witnesses through the chair of the Panel and present closing arguments. The hearing shall be conducted in conformance with the Civil Service Commission's Discrimination Complaint Hearing Panel Procedures. A copy of these procedures may be obtained from the EEO Division. The Panel shall issue written findings to both parties within 30 calendar days of the conclusion of the hearing. When appropriate, the findings shall include a remedy for the complainant which shall be enforced as soon as practicable. The determination of the Panel shall be final 30 calendar days from the postmarked date of the written findings unless either party to the complaint appeals to the Civil Service Commission. The procedure and time limit for requesting such review shall be those set forth below. The final determination or settlement agreement reached under this Rule shall be binding upon and enforced by every employee and appointing officer.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.6 Discrimination Complaints (cont.)

3.6.4 Discrimination Complaint Process (cont.)

7) Any challenge to the jurisdiction of the Panel to hear a complaint must be submitted in writing to the EEO Division for transmission to the Panel within ten working days of the date of the written notice of complaint sent to the department against which charges have been made.

8) Subject to budgetary considerations, the proceedings shall be recorded by a Court Reporter. It is not required that a formal transcript of the proceedings be made. Should any party desire a formal transcript, that party shall bear the cost of obtaining the transcript. No attorney fees shall be provided to any party pursuant to proceedings under this Rule.

9) Appeal of a Panel decision after hearing may be filed in writing with the Executive Officer to the Civil Service Commission specifying the reasons therefor. The appeal must include, in detail, the specific issue(s) upon which the Panel dismissal or decision is challenged and must be received in the office of the Executive Officer no later than 30 calendar days from the postmarked date of the Panel's written dismissal or decision. Appeals will be referred to the Civil Service Commissioners to determine if the Commission will agree to review the matter. The Commission shall render its decision within 30 calendar days of the receipt of the appeal. If after consideration of the written request a majority of the Commissioners do not consent to hear the matter, the appeal is denied and the action of the Panel is final. If the Commission agrees to grant the appeal, the matter shall thereafter be calendared. At any hearing the taking of evidence and oral arguments will be permitted only as the Commission may determine. The decision of the Civil Service Commission shall be final and no reconsideration shall be allowed.

3.6.5 Where the allegations underlying a timely-filed discrimination complaint also comprise the bases or are an element of a separate matter which is subject to hearing or determination by the Civil Service Commission in accordance with these Rules, the final determination reached under this Rule shall constitute a Finding of Fact and the merits of the discrimination charge shall not be reheard.

3.6.6 Complaints relative to examination matters covered elsewhere in these Rules shall not be processed under this Rule but shall be dealt with by the Human Resources Director.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.6 Discrimination Complaints (cont.)

- 3.6.7** It shall be a violation of this Rule to discriminate against, retaliate against or harass any employee or applicant because such employee has complained of or opposed any discrimination prohibited under this Rule or has made a complaint, testified, supplied evidence, assisted or participated in any manner in any investigation, proceeding or hearing under this Rule.
- 3.6.8** Any employee or applicant may file a complaint alleging that he or she has been retaliated against in violation of this Rule and any such complaint shall be filed and processed in the same manner as other discrimination complaints under this Rule.
- 3.6.9** Investigations, statements of witnesses and transcripts thereof taken pursuant to proceedings under this Rule shall be used only for the purposes set forth in this Rule and shall be held in confidence insofar as is practicable and fair.
- 3.6.10** This Rule does not preclude an individual's right to file the same or similar complaint under any approved city department, board or commission discrimination complaint process, or with any State or Federal regulatory agency, or to litigate for relief. Where there exists a specific Civil Service Commission approved departmental discrimination complaint procedure, the complainant may opt to utilize the procedure first or may directly complain to the Department of Human Resources in accordance with this Rule. Where a timely complaint is filed with both the EEO Division and an approved departmental discrimination complaint procedure, deferral shall be accorded to the departmental procedure unless the complainant indicates to the EEO Division, in writing and within five calendar days of the EEO Division intake interview, that he or she wants the departmental procedures to cease. In the event that the complainant elects to proceed under departmental procedures, the Department of Human Resources shall hold its investigation in abeyance, pending the outcome of departmental procedures. Complainant's opposing any finding of the department shall, within ten calendar days of the issuance of the findings, request in writing to the EEO Division that the Department of Human Resources reinstitute its procedures under this Rule.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.6 Discrimination Complaints (cont.)

- 3.6.11** When a complaint filed under this Rule is also filed with a State, Federal or other agency duly authorized to investigate complaints of discrimination and to seek or impose relief, the Panel may determine that proceedings under this Rule shall be suspended and deferral be accorded to that State, Federal or other proceeding. When a charge of discrimination filed under this Rule is also the subject or an element of litigation, proceedings under this Rule shall cease and deferral be accorded to the court.

Sec. 3.7 Incorporation of Federal Guidelines

The Commission, consistent with this Rule, hereby adopts and incorporates the Federal affirmative action guidelines for local governments adopted by the United States Equal Opportunity Commission, the United States Commission on Civil Rights, the United States Department of Justice, the United States Department of Labor and the United States Civil Service Commission as adopted August 26, 1976.

Sec. 3.8 Annual Supplementary Plan

- 3.8.1** Within 180 days of adoption of this Rule and annually thereafter, the Department of Human Resources shall adopt a Supplementary Affirmative Action Plan for Equal Employment Opportunities (Annual Plan) consistent with this Rule.
- 3.8.2** The Annual Plan shall include, at minimum, a report of the composition of the City work force; a comparison of the City work force with the available qualified San Francisco labor force by race, sex, and ethnicity; an identification of those classes or occupational categories where substantial disparity exists; an analysis to determine the causes of disparity; and specific actions to be taken in order to resolve the discriminatory disparities within a defined time frame.
- 3.8.3** The Annual Plan shall also include an evaluation and summary of the effects of specific actions undertaken in the previous year in order to determine the effectiveness of such measure.

Applicability: Unless otherwise noted, the provisions of Rule 3 apply to employees in all classes except that the complaint resolution procedure prescribed in this Rule may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. If there is any conflict in the provisions of this Rule and relevant Charter sections, the Charter language prevails.

Sec. 3.8 Annual Supplementary Plan (cont.)

- 3.8.4** In the development of the Annual Plan, the Commission shall seek and consider the advice of experts, community representatives, City officials and recognized employee representatives. In order to accomplish this advisory function, the Commission shall, upon recommendation of the Mayor, appoint an advisory group to assist in the development of the Annual Plan.

Sec. 3.9 Delegation of Responsibility

The Commission recommends that all City appointing officers and commissions assume responsibility for the development of Departmental Affirmative Action Plans pertinent to their jurisdiction and consistent with this Rule. It is suggested that each City department's Affirmative Action Plan include a policy statement, utilization of the work force analysis, designation of responsibilities, and specific action items. The Department of Human Resources staff will provide technical assistance to appointing officers and commissions in order to assist in the administration of departmental affirmative action plans.

Rule 4

Administration

Applicability: Unless otherwise noted, the provisions of Rule 4 apply to employees in all classes.

Sec. 4.1 **Election of President and Vice-President**

Sec. 4.2 **Duties of President and Vice-President**

Sec. 4.3 **Executive Officer**

Sec. 4.4 **Duties of Executive Officer**

Rule 4

Administration

Applicability: Unless otherwise noted, the provisions of Rule 4 apply to all employees in all classes.

Sec. 4.1 Election of President and Vice-President

At its first regular meeting in June of each year, the Commission shall elect one of its members President and one of its members Vice-President, and each shall hold office for a term ending May 31 of the next succeeding year or until a successor has been elected.

Sec. 4.2 Duties of President and Vice-President

- 4.2.1** The President shall preside at all meetings of the Commission and shall act as spokesperson for the Commission. The President or the Commission may establish such standing or special committees as deemed necessary. Nothing in these Rules shall prohibit the President from making or seconding a motion and otherwise fully participating as a Commissioner.
- 4.2.2** The Vice-President shall assume the duties of the President when the President is absent or when the President shall designate the Vice-President to act. In the event of the death, resignation, or permanent disability of the President, the Vice-President shall act for the President until the Commission shall elect a President to serve until the normal expiration of the term of the succeeded President. When acting for the President, the Vice-President shall have all of the powers of the President and shall assume all the duties of the President.

Sec. 4.3 Executive Officer

The Commission shall appoint an Executive Assistant who shall be the Chief Executive of the Commission and who shall hereinafter be titled, Executive Officer, and who shall hold office at the pleasure of the Commission.

Sec. 4.4 Duties of Executive Officer

In the performance of all duties, the Executive Officer shall be responsible to the Commission. The duties of the Executive Officer shall be to:

- 4.4.1** delegate duties where necessary and supervise and direct the work of all persons employed in the Civil Service Department;
- 4.4.2** keep the minutes and other records of the Commission and certify to the same when required;

Applicability: Unless otherwise noted, the provisions of Rule 4 apply to employees in all classes.

Sec. 4.4 Duties of Executive Officer (cont.)

- 4.4.3** make recommendations relative to matters of policy and for necessary amendments to these Rules;
- 4.4.4** report to the Commission from time to time as directed concerning the details of the work of the Civil Service Department and on the operation of the civil service merit system;
- 4.4.5** promulgate procedures for the processing of all appeals including but not limited to deadlines for filing of written reports by the parties to the appeal;
- 4.4.6** prepare the budget for the Civil Service Department, approve accounts, and administer generally the expenditure of funds appropriated for the operation of the Civil Service Department;
- 4.4.7** assign an employee of the Civil Service Department or the Department of Human Resources to serve as acting Executive Officer when required; and
- 4.4.8** perform such additional duties as assigned from time to time by the Commission.

Rule 5

Meetings and Hearings of the Commission

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Article I: Meetings

<u>Sec. 5.1</u>	<u>Regular Meetings</u>
<u>Sec. 5.2</u>	<u>Adjourned Regular Meeting</u>
<u>Sec. 5.3</u>	<u>Special Meetings</u>
<u>Sec. 5.4</u>	<u>Commission Meetings - Public</u>
<u>Sec. 5.5</u>	<u>Executive Session</u>
<u>Sec. 5.6</u>	<u>Minutes</u>

Article II: Hearings and Hearing Procedures

<u>Sec. 5.7</u>	<u>Communications</u>
<u>Sec. 5.8</u>	<u>Quorum</u>
<u>Sec. 5.9</u>	<u>Motion Requires Second</u>
<u>Sec. 5.10</u>	<u>Roll Call Vote</u>
<u>Sec. 5.11</u>	<u>Tie Vote</u>
<u>Sec. 5.12</u>	<u>Appeal of Human Resources Director's Action</u>
<u>Sec. 5.13</u>	<u>Reconsideration of Commission Action</u>
<u>Sec. 5.14</u>	<u>Moot Questions</u>
<u>Sec. 5.15</u>	<u>Rules of Order</u>
<u>Sec. 5.16</u>	<u>Item Heard Out of Order</u>
<u>Sec. 5.17</u>	<u>Calendared Matters to be Postponed</u>
<u>Sec. 5.18</u>	<u>Matters to be Heard by the Commission</u>
<u>Sec. 5.19</u>	<u>Procedure for Commission Hearings</u>
<u>Sec. 5.20</u>	<u>Requirement for Written Report</u>
<u>Sec. 5.21</u>	<u>Requirement to Vote</u>
<u>Sec. 5.22</u>	<u>Submission of Written Material</u>

Rule 5

Meetings and Hearings of the Commission

Article I: Meetings

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.1 Regular Meetings

- 5.1.1** Regular meetings shall be held on the first and third Monday of each month at 2:00 p.m. in the Commission Meeting Room, Room 428, Fourth Floor, Veterans Building, 401 Van Ness Avenue, or at such other day, time, or place as the Commission at a prior regular meeting may designate.
- 5.1.2** Any change of time or place of meeting shall be posted.
- 5.1.3** When a regular meeting day falls on a holiday, the Commission shall meet on the next succeeding business day unless at a prior regular meeting it designates some other day for its meeting.
- 5.1.4** A regular meeting shall not be adjourned before 5:30 p.m., provided that, if in the judgment of the President of the Commission all calendared business has been concluded, the meeting may be adjourned at an earlier time. Persons having a matter on calendar, who within five working days following the date of the meeting request in writing that their matter be recalendared because of their non-appearance due solely to the earlier adjournment time, shall have their matter recalendared for original consideration. Nothing contained herein shall be construed as barring the Commission from recessing from time to time during the continuance of the meeting.

Sec. 5.2 Adjourned Regular Meeting

The Commission may adjourn any regular meeting to a time and place specified. The adjourned meeting shall be part of the regular meeting.

Sec. 5.3 Special Meetings

- 5.3.1** Special meetings may be called by the President or a majority of the Commission in accordance with applicable local and State laws.

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.3 Special Meetings (cont.)

- 5.3.2** Notice shall be sent by the Executive Officer to all concerned parties who have matters on the special meeting agenda. Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice. A copy shall also be posted on the Bulletin Board. The notice shall specify the time and place of the meeting and the business to be transacted. No other business shall be transacted except that for which the meeting is ordered.

Sec. 5.4 Commission Meetings - Public

All meetings of the Commission shall be open to the public except as otherwise legally authorized.

Sec. 5.5 Executive Session

The Commission may hold executive sessions to consider the employment or dismissal of an officer or employee subject to the jurisdiction of the Commission; to hear complaints or charges brought against such officer or employee unless such officer or employee requests a public hearing; or for other purposes in accordance with applicable local and State laws.

Sec. 5.6 Minutes

The Executive Officer shall record in the minutes the time and place of each meeting, the names of the Commissioners present, all official acts of the Commission and the votes of the Commissioners. When requested, a Commissioner's dissent or approval, together with the reasons therefore, shall be recorded. The minutes shall be written and presented for correction and approval at the next regular meeting.

Rule 5

Meetings and Hearings of the Commission

Article II: Hearing and Hearing Procedures

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.7 **Communications**

- 5.7.1** Communications requiring action by the Commission must be filed in writing in the Civil Service Department. The Executive Officer shall maintain a register of communications received with disposition recorded. Such register shall be open for public inspection during regular business hours.
- 5.7.2** Communications not requiring action by the Commission under these Rules shall be processed by the Executive Officer as provided by these Rules, and proper notations shall be made on the pertinent records.
- 5.7.3** A Commissioner may request that any matter be calendared. All requests for hearing shall be calendared within a reasonable period of time.

Sec. 5.8 **Quorum**

The majority of all members of the Commission shall constitute a quorum and the concurrence of a majority shall be necessary to any action.

Sec. 5.9 **Motion Requires Second**

A motion made by any Commissioner shall require a second.

Sec. 5.10 **Roll Call Vote**

A roll call vote may be requested by a Commissioner on any matter before the Commission.

Sec. 5.11 **Tie Vote**

If only four Commissioners are present and it is evident that they are not in agreement on the matter or request before the Commission, then any Commissioner or any interested party may request a postponement of action.

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.12 **Appeal of Human Resources Director's and Executive Officer's Action**

5.12.1 Examination Matters

An action by the Human Resources Director, on examination matters, may be appealed to the Commission provided such appeal is received by the Executive Officer before 12 Noon on the fifth working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date of notification to the appellant. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

5.12.2 Employee Compensation Matters

An action by the Human Resources Director, on wage and salary matters, may be appealed to the Commission provided such appeal is received by the Executive Officer before 12 noon on the seventh working day (excluding Saturdays, Sundays, and holidays) following the postmarked mailing date of notification to the appellant. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

5.12.3 Personal Services Contracts

An action by the Human Resources Director on personal services contracts may be appealed provided such appeal is received by the Executive Officer during the posting period prescribed in Commission personal services contract procedures. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed. Personal services contracts not appealed during the prescribed posting period shall be calendared for ratification by the Commission. Ratification action by the Commission shall be final and no reconsideration request shall be allowed.

5.12.4 Other Matters

An action by the Human Resources Director on other matters or an action of the Executive Officer on a matter under the Executive Officer's jurisdiction may be appealed to the Commission provided such appeal is received by the Executive Officer within 30 calendar days following the postmarked mailing date of notification to the appellant. The Commission's action on the appeal shall be final and no reconsideration request shall be allowed.

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.13 Reconsideration of Commission Action

- 5.13.1** A request to reconsider a Commission action that was not calendared as an appeal of the Human Resources Director's or Executive Officer's decision must be in writing and received by the Executive Officer no later than 30 calendar days following the date of the action. Requests received after 30 days will not be processed and will be denied.
- 5.13.2** A request for reconsideration must succinctly specify the reasons for the request and shall be calendared as soon as practicable after receipt of the written request. The Commission may allow up to three minutes of verbal testimony from the requestor or representative. If the Commission agrees to grant the request for a reconsideration, the matter shall be calendared at a subsequent Commission meeting.
- 5.13.3** The Commission's action to deny a request for reconsideration or the Commission's decision following a reconsideration hearing shall be final and no further requests for reconsideration shall be considered.

Sec. 5.14 Moot Questions

Request for rulings on moot or hypothetical questions will not be considered.

Sec. 5.15 Rules of Order

Except as otherwise provided herein, Robert's Rules of Order, in its latest revision, shall guide the Commission in its proceedings.

Sec. 5.16 Item Heard Out of Order

A request that a calendared item be heard out of order shall be presented at the start of the meeting to the President stating the reason for the request. The President shall decide if the request will be granted.

Sec. 5.17 Calendared Matters to be Postponed

All calendared matters to be postponed shall be announced by the Executive Officer at the start of the meeting.

Sec. 5.18 Matters to be Heard by the Commission

Only matters that have been calendared will be heard by the Commission at any meeting. No oral requests for rulings will be considered. Notification of the Commission actions shall be mailed no later than the second working day following such action.

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.19 Procedure for Commission Hearings

All Commission hearings in disputed matters shall conform to the following procedures:

5.19.1 Consent Agenda

Presentation by opponent for a maximum time limit of five minutes; and response by departmental representative for a maximum time limit of five minutes. No witnesses other than those designated herein shall be permitted.

5.19.2 Regular Agenda

Presentation by staff or departmental representative for a maximum time limit of five minutes; and response by opponent or appellant for a maximum time limit of five minutes. No witnesses other than those designated herein shall be permitted.

5.19.3 Separation Hearings

1) Presentation by department for a maximum time limit of ten minutes unless extended by the Commission as follows opening summary of case (brief overview); discussion of evidence; corroborating witnesses, if necessary; and closing remarks.

2) Presentation by employee or employee's representative for a maximum time limit of ten minutes unless extended by the Commission as follows opening summary of case (brief overview); discussion of evidence; corroborating witnesses, if necessary; and closing remarks.

3) The Commission may allocate five minutes for each side to rebut evidence presented by other side.

5.19.4 Commission Authority

The Commission reserves the right to question each party during its presentation and, in its discretion, to modify the time allocations and requirements set forth above.

Applicability: Unless otherwise noted, the provisions of Rule 5 apply to employees in all classes.

Sec. 5.20 **Requirement for Written Report**

All matters coming before the Commission, except matters properly heard in executive session, shall be supported by a complete report in writing prepared in accordance with procedures determined by the Executive Officer and shall, together with all written documentation to be presented at the hearing, be delivered to each of the Commissioners not later than 4:00 p.m. on the second business day preceding the meeting day. Any matter coming before the Commission not in compliance with this Rule shall, upon request of any Commissioner, be deemed out of order and shall be continued to the next scheduled meeting.

Sec. 5.21 **Requirement to Vote**

Each member of the Commission present at a meeting must vote for or against a particular question, unless excused from voting by a motion adopted by a majority of the members present.

Sec. 5.22 **Submission of Written Material**

All written material to be considered by the Commission in support of an agenda item shall be submitted to the Executive Officer no later than the fourth business day preceding the Commission meeting or in accordance with appellate procedures established by the Executive Officer. An original and such additional copies as required by the Executive Officer shall be provided.

Rule 6

Transport Workers Union - San Francisco

Municipal Railway Trust Fund

Applicability: The provisions of Rule 6 apply only to the Transit Operators of the Municipal Railway.

<u>Sec. 6.1</u>	<u>Charter Provision</u>
<u>Sec. 6.2</u>	<u>Determination of Dollar Value of Differences in Benefits</u>
<u>Sec. 6.3</u>	<u>Establishment of Trust Fund</u>
<u>Sec. 6.4</u>	<u>Board of Trustees</u>
<u>Sec. 6.5</u>	<u>Powers and Duties of Board of Trustees</u>
<u>Sec. 6.6</u>	<u>Vested Rights</u>
<u>Sec. 6.7</u>	<u>Protection of Trustees</u>
<u>Sec. 6.8</u>	<u>Mediation and Arbitration</u>
<u>Sec. 6.9</u>	<u>Audit Report</u>
<u>Sec. 6.10</u>	<u>Trust Fund Board Meetings</u>

Rule 6

Transport Workers Union - San Francisco Municipal Railway Trust Fund

Applicability: The provisions of Rule 6 apply only to the Transit Operators of the Municipal Railway.

Sec. 6.1 Charter Provision

- 6.1.1** Section 8.404 of the Charter provides for the establishment of a fund to receive and to administer that money which represents the dollar value difference between vacation, retirement and health service benefits provided by Charter for platform employees, coach or bus operators of the Municipal Railway (hereinafter referred to as "operators") when such benefits are less than those provided in the two other street railway and bus systems and are used for the determination of wage schedules for operators of the Municipal Railway.
- 6.1.2** The Commission is mandated to adopt Rules, subject to approval by the Board of Supervisors by ordinance, for the establishment and general administration of the fund. Such Rules must provide for a joint administration of the fund by representatives of the city government, including representatives of the Public Transportation Commission and representatives of the organized operators.
- 6.1.3** The Charter further states that such Rules may provide a procedure for final and binding arbitration of the disputes which may arise between representatives of the City government and the representatives of the organized operators.
- 6.1.4** The Charter further requires that the Rules provide that all investments of the fund shall be of the character legal for insurance companies in California.

Sec. 6.2 Determination of Dollar Value of Differences in Benefits

The dollar-value difference between vacation, retirement and health service benefits provided by Charter for operators of the Municipal Railway, when such benefits are less than those provided in the two other street railway and bus systems used for the establishment of wage schedules for operators of the Municipal Railway, shall be determined by the Commission after consultation with Local 250A, Transport Workers Union of America, (or the employee organization having exclusive group representational rights before the Public Transportation Commission), and shall be included in the Ordinance adopted pursuant to the provisions of Section 8.404 of the Charter. The procedure for payment of moneys due to the Fund in accordance with Charter authority and the provisions of this Rule shall be established by the Controller.

Applicability: The provisions of Rule 6 apply only to the Transit Operators of the Municipal Railway.

Sec. 6.3 Establishment of Trust Fund

In accordance with the authority of Charter Section 8.404, there is hereby established a Transport Workers Union-San Francisco Municipal Railway Trust Fund (hereinafter, for the purpose of this Rule, to be referred to as the "Trust Fund") to be administered as hereinafter set forth.

Sec. 6.4 Board of Trustees

6.4.1 The Trust Fund shall be administered by a Board of Trustees (hereinafter referred to as "The Board") of six members to be selected as follows:

1) two trustees to be appointed by the Public Transportation Commission who shall serve at the pleasure of the Public Transportation Commission;

2) one trustee to be appointed by the Civil Service Commission who shall serve at the pleasure of the Civil Service Commission;

3) three trustees to be appointed by Local 250A, Transport Workers Union of America, (or the employee organization having exclusive group representational rights before the Public Transportation Commission), who shall serve at the pleasure of the Union; and

4) the appointing authority may also appoint and at its pleasure remove one alternate for each trustee to serve when trustees are not available to attend meetings of the Board. An alternate when serving in the place of a trustee shall have full power to act as a trustee.

6.4.2 Members of the Board and their alternates shall serve until such time as they separate themselves or are removed from their appointment. If a trustee position is vacated, the trustee's alternate shall serve until a successor is designated by the appropriate designating authority.

6.4.3 The Board shall elect one member as president and one member as vice president and shall establish their terms of office, provided however, that a member appointed by management (Public Transportation Commission or Civil Service Commission) and a member appointed by the employees (Transport Workers Union) shall alternate terms in each such office and that a member appointed by management shall serve as vice president during the term in which a member appointed by the employees holds office as president, and vice versa.

6.4.4 Actions of the Board shall be by majority vote of all of the trustees.

Applicability: The provisions of Rule 6 apply only to the Transit Operators of the Municipal Railway.

Sec. 6.4 Board of Trustees (cont.)

- 6.4.5** Trustees who are employees of the City shall be authorized to attend meetings of the Board held during regular working hours of the employee without loss of pay.
- 6.4.6** No trustee shall receive payment or emolument of any kind for services but may be reimbursed from the Trust Fund for all reasonable expenses incurred in the performance of duties as trustee.

Sec. 6.5 Powers and Duties of Board of Trustees

The Board shall have the power and it shall be its duty to:

- 6.5.1** establish by Rule the detailed procedure for the receipt of moneys to the Trust Fund and for the administration of the Trust Fund, which shall include a provision that all investments of the Trust Fund shall be of the character legal for insurance companies in California;
- 6.5.2** appoint an administrator or secretary of the Trust Fund who shall be the Executive Officer and Secretary of the Board and whose duties and responsibilities shall be set forth by the Board and who shall serve at the pleasure of the Board;
- 6.5.3** establish such other positions as in the judgment of the Board may be required to staff the office of the Trust Fund and to make appointments to such positions;
- 6.5.4** provide for the bonding of the trustees, the administrator, and such other employees of the Trust Fund as in the judgment of the Board should be bonded;
- 6.5.5** select a location for quarters for the Trust Fund and provide for the equipment of such office;
- 6.5.6** provide for the costs of administration of the Trust Fund including the salaries of all employees and the costs involved in the purchase, lease or rental and the equipment of quarters;
- 6.5.7** establish the types of benefits that shall be made available to the operators and the procedures and methods for the disbursement of such benefits;
- 6.5.8** establish procedures for the investment of funds within the restrictions herein provided, which procedures may provide for the employment of the services of an investment counsel;
- 6.5.9** provide for the retention of legal or actuarial counsel when such assistance is deemed by the Board to be required;

Applicability: The provisions of Rule 6 apply only to the Transit Operators of the Municipal Railway.

Sec. 6.5 Powers and Duties of Board of Trustees (cont.)

- 6.5.10** establish accounting procedures to properly account for the administration of the Trust Fund; and
- 6.5.11** prepare an annual report to the Public Transportation Commission and to the officers and members of Local 250A of the Transport Workers Union of America (or the employee organization having exclusive group representational rights before the Public Transportation Commission), which report shall include a summary of the income, investments, disbursements and administrative expenses of the Trust Fund.

Sec. 6.6 Vested Rights

Neither the City, nor the Union, or the individual operators shall have any vested rights in or to the Trust Fund or any part thereof except the right of the qualified operators, their dependents, their beneficiaries, or next of kin to receive the benefits provided for in the plan to which they may be respectively entitled.

Sec. 6.7 Protection of Trustees

- 6.7.1** Neither the trustees nor any individual or successor trustee shall be personally answerable or personally liable for any liabilities or debts of the Trust Fund contracted by them as such trustees, or for the non-fulfillment of contracts, but the same shall be paid out of the Trust Fund and the Trust Fund is hereby charged with a first lien in favor of each of such trustees for security and indemnification for any amounts paid out by such trustee for any such liability and for the trustee's security and indemnification against any liability of any kind which the trustees or any of them may incur hereunder, provided however, that nothing herein shall exempt any trustee from liability arising out of the trustee's own willful misconduct or bad faith or entitle such trustee to indemnification for any amounts paid or incurred as a result thereof.
- 6.7.2** The trustees and each individual trustee shall not be liable for any error of judgment or for any loss arising out of any act or omission in the execution of the Trust Fund, as long as they act in good faith; nor shall any trustee, in the absence of the trustee's own willful misconduct or bad faith, be personally liable for the acts or omissions (whether performed at the request of the trustees or not) of any other trustee, employee, agent or attorney elected or appointed by or acting for the trustees.
- 6.7.3** The costs and expenses of any action, suit or proceeding brought by or against the trustee or any of them (including counsel fees) shall be paid from the Trust Fund, except in relation to matters as to which it shall be adjudged in such action, suit or proceeding that such trustee was acting in bad faith in the performance of the trustee's duties hereunder.

Applicability: The provisions of Rule 6 apply only to the Transit Operators of the Municipal Railway.

Sec. 6.8 Mediation and Arbitration

In the event of a dispute on any matter before the Board for action, the Board may by affirmative vote of three members refer the matter to mediation or arbitration. The Board shall provide the procedure for the mediation of any dispute. If a matter is referred to arbitration, then the Board shall attempt to agree on the selection of an impartial arbitrator. If an impartial arbitrator cannot be agreed upon within 48 hours, then an arbitrator designated by the American Arbitration Association shall hear and determine the issue. The written decision of the arbitrator shall be final and binding upon the Board.

Sec. 6.9 Audit Report

- 6.9.1** The Trust Fund shall be audited semi-annually by an auditor to be designated by the Controller of the City and County. The auditor's report shall be made to the Board of Supervisors, with copies to Local 250A, Transport Workers Union of America (or to the employee organization having exclusive group representational rights before the Public Transportation Commission), the Public Transportation Commission, the Civil Service Commission, and the Controller and 12 copies to the Secretary of the Trust Fund for distribution to each trustee and alternate trustee.
- 6.9.2** The cost of such audit report shall be paid for by the City and County from funds to be appropriated for such purpose by the Board of Supervisors. The Board of Trustees and Local 250A of the Transport Workers Union of America (or the employee organization having exclusive group representational rights before the Public Transportation Commission) may, each at its respective option whenever deemed desirable, arrange for an additional independent audit of the Trust Fund by a qualified auditor of its choice, the expense of which shall be borne by the Trust Fund when ordered by the trustees and by Local 250A, Transport Workers Union of America (or the employee organization having exclusive group representational rights before the Public Transportation Commission), when ordered by the Union.

Rule 7

Rules Related to the Employer-Employee Relations Ordinance

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Article I: Authority

Sec. 7.1 **Authority**

Article II: Employee Recognition Elections

Sec. 7.2 **Definitions**

Sec. 7.3 **Request for Recognition**

Sec. 7.4 **Decertification Petition**

Sec. 7.5 **Proof and Verification of Employee's Approval**

Sec. 7.6 **Holding of Elections**

Sec. 7.7 **Pre-Election Conference**

Sec. 7.8 **Elections**

Sec. 7.9 **List of Eligible Voters**

Sec. 7.10 **Accuracy of List**

Sec. 7.11 **Ballot Content**

Sec. 7.12 **Amendment of Ballot**

Sec. 7.13 **Mail Ballot**

Sec. 7.14 **Election Notice**

Sec. 7.15 **Posting of Election Notices**

Sec. 7.16 **Election Observers**

Sec. 7.17 **Challenged Ballots**

Sec. 7.18 **Custody and Control of Challenged Ballot**

Sec. 7.19 **Report of Election Results**

Sec. 7.20 **Filing of Objections**

Sec. 7.21 **Recognition**

Sec. 7.22 **Investigations**

Sec. 7.23 **Unit Designation**

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Article III: Unfair Labor Practice Charges

- Sec. 7.24** **Definitions**
- Sec. 7.25** **Time Requirement**
- Sec. 7.26** **Contents of Charge**
- Sec. 7.27** **Filing of Charge**
- Sec. 7.28** **Investigation of Charges**
- Sec. 7.29** **Civil Service Department Action**
- Sec. 7.30** **Waiver of Time Requirements**

Article IV: Procedures for the Utilization of Administrative Law Judges

- Sec. 7.31** **Complaint**
- Sec. 7.32** **Service of Complaint**
- Sec. 7.33** **Notice of Hearing and Answer to Complaint**
- Sec. 7.34** **Amendment to Complaint**
- Sec. 7.35** **Discovery**
- Sec. 7.36** **Discovery, Judicial Remedy**
- Sec. 7.37** **Administrative Law Judge, Reporter**
- Sec. 7.38** **Evidence Rules**
- Sec. 7.39** **Evidence by Affidavit**
- Sec. 7.40** **Official Notice**
- Sec. 7.41** **Decision of Administrative Law Judge**
- Sec. 7.42** **Continuance**
- Sec. 7.43** **Matters Which May be Submitted to an Administrative Law Judge**
- Sec. 7.44** **Subpoenas**
- Sec. 7.45** **Contempt**
- Sec. 7.46** **Power to Administer Oath**

Rule 7
Rules Related to the Employer-Employee
Relations Ordinance
Article I: Authority

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.1 **Authority**

By virtue of the authority vested in it by the Employer-Employee Relations Ordinance of the City and County of San Francisco, (hereinafter the "Ordinance"), amending the Administrative Code by adding Chapter 16, Article XI.A thereof, the Civil Service Commission, (hereinafter referred to as "Civil Service Department") hereby issues the following Rules which it finds necessary to carry out the provisions of said Ordinance. The Civil Service Department shall take such action as it may deem necessary to effectuate the policies of the Ordinance.

Rule 7

Rules Related to the Employer-Employee Relations Ordinance

Article II: Employee Recognition Elections

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.2 **Definitions**

Words and terms used herein shall have the same meaning as in the Ordinance, where applicable. Wherever the word "certified" is used in these Rules or on any official form of the Civil Service Department, it shall be taken to mean and shall be defined as "recognized" as that word appears in the Ordinance.

Sec. 7.3 **Request for Recognition**

The filing of a Request for Recognition or a Challenging Petition accompanied by appropriate verification or proof of employees' approval shall be in accordance with the provisions of the Ordinance. Requests for Recognition and Challenging Petitions shall be in writing on the form prescribed by the Civil Service Department, and an original and four copies shall be filed with the Civil Service Department. Where the unit for which recognition is sought involves a presently certified representative, such representative shall be notified of the Request for Recognition.

Sec. 7.4 **Decertification Petition**

A Decertification Petition shall be in writing on the form prescribed by the Civil Service Department, and an original and four copies thereof shall be filed with the Civil Service Department. The filing of a Decertification Petition accompanied by appropriate verification or proof of employees' approval shall be in accordance with the provisions of the Ordinance within the time period set forth in the Ordinance Section.

Sec. 7.5 **Proof and Verification of Employee's Approval**

Proof of employees' approval of a Request for Recognition, a Challenging Petition, or a Decertification Petition shall accompany the filing of the prescribed form. Such proof need be filed with the Civil Service Department only. For purposes of verification by the Civil Service Department, a list of eligible employees shall be furnished by the Human Resources Director or designee to the Civil Service Department. Such list shall be furnished to the Civil Service Department no more than 20 calendar days following the filing of a Request for Recognition, Challenging Petition, or Decertification Petition.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.5 Proof and Verification of Employee's Approval (cont.)

Appointing Officers shall furnish the list of eligible employees from their respective departments to the Department of Human Resources no more than ten calendar days after request therefrom. Determination whether such verification or proof is satisfactory shall be made by the Civil Service Department administratively and shall not be subject to challenge at any stage of the proceedings.

Sec. 7.6 Holding of Elections

The Civil Service Department shall designate an Election Agent to conduct an election pursuant to the provisions of the Ordinance.

Sec. 7.7 Pre-Election Conference

7.7.1 Prior to each election, the Civil Service Department and the Election Agent shall arrange for at least one pre-election conference. The parties shall be notified at least five calendar days in advance of this conference. Parties shall be defined as the City and County of San Francisco as represented by the Human Resources Director or designee and representatives from the employee organization(s) or joint council(s) of employee organizations qualified to be included on the ballot. By mutual agreement of the parties and subject to the approval of the Civil Service Department and the Election Agent, the eligible voters, the date(s), time(s), and locations(s) of said election shall be determined at the conference.

7.7.2 At this time, and for good cause, the parties shall have the opportunity, subject to the approval of the Civil Service Department and the Election Agent, to prescribe additional Rules and procedures for conducting said election. These additional Rules and procedures shall be binding and effective for said election as if made a part of the Civil Service Department Election Rules. Subsequent to the Pre-Election Conference, the parties shall sign an election agreement before any further action may be taken with regard to said election.

Sec. 7.8 Elections

Employees entitled to vote in any election shall be those employees within a representation unit with permanent or permanent limited tenure status, as set forth in the Ordinance, including those employees who did not work during such period because of illness, vacation or authorized leaves of absence. The employees so entitled shall be those employees whose names appear on the last payroll which shall bear a date no less than thirty calendar days prior to the date on which the election is to be held or such other date within the discretion of the Civil Service Department as may be practicable under the circumstances.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.9 List of Eligible Voters

For purposes of the election, a list in duplicate of eligible voters shall be furnished to the Civil Service Department by the Human Resources Director or Designee within twenty calendar days after a request therefore by the Civil Service Department has been made. Appointing Officers shall furnish the list of eligible voters from their respective departments to the Human Resources Director or designee no more than ten calendar days after request therefrom.

Sec. 7.10 Accuracy of List

Any employee organization(s) or joint council(s) of employee organizations qualified to be included on the ballot shall be afforded an opportunity to examine said list at the offices of the Civil Service Department, and to file any protest as to any inaccuracies in said list at that time. The Civil Service Department will endeavor to seek agreement upon a list of eligible voters by and between the Human Resources Director or Designee and the organizations qualified to be included on the ballot. If such agreement is not reached, the Civil Service Department shall make the determination of eligible voters and shall immediately notify the Election Agent of its determination. This list shall then become the official list of eligible voters.

Sec. 7.11 Ballot Content

Pursuant to the Ordinance, every ballot in an election shall contain a choice of "no organization" in addition to the names of the employee organization(s) or joint council(s) of employee organizations which the Civil Service Department has directed to be placed on the ballot. The Election Agent shall determine by lot the order in which the names of the employee organizations will appear on the ballot. The ballot shall be in the form prescribed by the Civil Service Department.

Sec. 7.12 Amendment of Ballot

7.12.1 Any employee organization or joint council(s) of employee organizations may request that its name be removed from the ballot or as it is to appear on the ballot, be amended or modified. Such request shall be filed with the Civil Service Department in writing no less than fourteen calendar days before the date of election. Upon such request and after mutual agreement of the parties, the Civil Service Department shall direct the Election Agent to change the ballot accordingly.

7.12.2 Where a proceeding involves a Decertification Petition, the certified organization may not have its name removed from the ballot unless it gives notice in writing no less than twenty calendar days before the date scheduled for the election. Such notice shall constitute a disclaimer of interest on the part of the certified representative to represent the employees of the unit in question.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.12 Amendment of Ballot (cont.)

7.12.2 (cont.)

Upon such request and after mutual agreement by the parties, the Civil Service Department shall direct the Election Agent to change the ballot accordingly.

Sec. 7.13 Mail Ballot

The Civil Service Department may order an election, in whole or in part, by mail ballot, as the Civil Service Department, in its discretion, may deem to be desirable. If an election by mail ballot is ordered, in whole or in part, or if the Civil Service Department determines that absentee ballots shall be used, the Civil Service Department will establish Rules and procedures as prescribed by the Election Agent at the pre-election conference.

Sec. 7.14 Election Notice

Upon determining that an election is to be held pursuant to the Ordinance, the Civil Service Department will cause to be prepared a Notice of Election specifying the date and place, or places thereof, the hours during which the polls will be open; the unit in which the election is to be conducted; Rules concerning eligibility to vote; a sample ballot; and such additional information and instructions as the Civil Service Department may determine to be appropriate. Copies of the Notice of Election will be sent to all employee organizations appearing on the ballot, to the Election Agent, and to the Department of Human Resources.

Sec. 7.15 Posting of Election Notices

Appointing officers and/or their designee shall, at the direction of the Civil Service Department, post the Notice of Election at work locations where notices are normally posted for the benefit of employees in the unit. Such notices shall be posted at least five calendar days, excluding Saturdays, Sundays, or Holidays, prior to the election, and a Declaration of Posting shall be filed on the prescribed form with the Civil Service Department.

Sec. 7.16 Election Observers

- 7.16.1** Each employee organization or joint council(s) of employee organizations which appear on the ballot may designate not more than two employees in the involved representation unit to act as observers at each voting place. The Department of Human Resources may also designate not more than two management employees as Observers at each voting place. Observers shall assist the Election Agent and observe that ballots are properly cast and properly counted.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.16 Election Observers (cont.)

7.16.2 Observers shall not be:

- 1) supervisors of the employees voting,
- 2) employees of any employee organization(s) or joint council of employee organization(s), or
- 3) persons not then employed by the City and County of San Francisco.

A Certification of Conduct of Election shall be filed on the prescribed form with the Civil Service Department and the Election Agent.

Sec. 7.17 Challenged Ballots

7.17.1 Any party, the Civil Service Department, or its Election Agent or authorized observers may challenge the eligibility of a voter for good cause. Any ballot so challenged shall be impounded by the Election Agent. By mutual agreement at the ballot counting, the parties may, with the approval of the Civil Service Department, attest to the validity of the challenged ballots and such ballots may then be counted.

7.17.2 Unresolved challenged ballots shall remain impounded by the Election Agent. It shall be the responsibility of the challenging party to set forth, in writing, reasons for such challenge within seven calendar days. Any other party involved in the election shall have the right to set forth, in writing, its reply thereto within seven calendar days thereafter. Subsequently, the Civil Service Department shall determine the validity of the challenge or challenges unless disposed of by mutual agreement of the parties with the approval of the Civil Service Department. Such disposition shall be made with or without a hearing or investigation as the Civil Service Department deems appropriate. The Civil Service Department shall determine whether such challenged ballots are of sufficient number to affect the results of the election.

Sec. 7.18 Custody and Control of Challenged Ballots

Ballots which are the subject of dispute as the result of challenges will remain in the custody and control of the Election Agent until such objections have been either determined or resolved.

Sec. 7.19 Report of Election Results

The Election Agent shall furnish to the Civil Service Department and to the parties an unofficial tally immediately following the election. Election materials concerning the election, including ballots shall be preserved by the Election Agent for 90 calendar days following the date of that election or for such longer period as may be deemed necessary in the discretion of the Civil Service Department.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.20 Filing of Objections

Within seven calendar days after the date of the election, any interested party may file with the Civil Service Department an original and four copies of objections to the election. Such objections shall contain a short statement of the reasons therefor, and the Civil Service Department shall conduct an investigation to determine whether such objections have sufficient merit to warrant a hearing before an Administrative Law Judge.

Sec. 7.21 Recognition

7.21.1 If no objections are filed within the time limits set forth above, or if the challenged ballots are insufficient in number to affect the results of the election, or if no run-off election is to be held, the Civil Service Department shall forthwith declare the official results of the election and notify the affected employee organizations or joint council(s) of employee organizations and the Department of Human Resources of the results and, where appropriate, issue a certificate of recognition pursuant to the Ordinance. The Department of Human Resources shall notify the appropriate appointing officer(s) of the official election results.

7.21.2 It shall be the responsibility of the recognized employee organization or the recognized employee joint council to notify the Civil Service Department whenever such organization or council ceases to represent the employees of the City and County.

Sec. 7.22 Investigations

The Civil Service Department may conduct investigations in connection with elections or any matters arising therefrom pursuant to the provisions of the Ordinance.

Sec. 7.23 Unit Designation

The Human Resources Director shall designate new classes, reclassifications, and requests for unit transfer of classes to the proper unit.

Rule 7

Rules Related to the Employer-Employee Relations Ordinance

Article III: Unfair Labor Practice Charges

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.24 Definitions

- 7.24.1 Unfair practice:** A violation of the Ordinance.
- 7.24.2 Charge:** A written averment of a violation of the Ordinance.
- 7.24.3 Answer:** A written denial or an acknowledgment that a violation of the Ordinance has occurred.
- 7.24.4 Charging Party:** The person, organization or other entity lodging the charge with the Civil Service Department.
- 7.24.5 Charged Party:** The person, organization or entity averred by the charging party to have violated the Ordinance.
- 7.24.6 Service:** Actual delivery of any paper to the party upon whom service is required by this Rule.

Sec. 7.25 Time Requirement

Charges shall be filed with the Civil Service Department within 90 days after the occurrence of the alleged unfair labor practice or discovery thereof.

Sec. 7.26 Contents of Charge

A charge that a violation of the Ordinance has occurred shall be filed in writing on the form prescribed by Civil Service Department. Such charge shall:

- 1) be signed by the person averring a violation of the Ordinance;
- 2) contain a declaration by the person filing such charge, under penalty of perjury, pursuant to Section 446 of the California Code of Civil Procedures or otherwise be under oath;

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.26 Contents of Charge (cont.)

3) contain a plain, concise statement descriptive of the violation asserted, including, if possible, the names and addresses, the time and place of occurrence of the particular acts, telephone numbers of the persons or organizations asserted to be in violation, and the subdivision or subdivisions of the Ordinance asserted to be violated; and

4) contain the full name, affiliation, address and telephone number of the charging party, and the title of any representative identified as or with the charging party.

Sec. 7.27 Filing of Charge

Six copies of a charge shall be filed with the Executive Officer of the Civil Service Commission.

Sec. 7.28 Investigation of Charges

The Civil Service Department shall investigate each charge and will make a written report within 30 calendar days, excluding Saturdays, Sundays and Holidays, from receipt of the charges. The Civil Service Department shall endeavor to resolve the charge through mediation prior to a formal hearing.

Sec. 7.29 Civil Service Department Action

After investigation of the charges, the Civil Service Department may:

- 1) dismiss the charge in whole or in part;
- 2) direct a further investigation;
- 3) direct that a notice of hearing be issued and served upon the respondent or respondents and all other parties involved;
- 4) take such other action as it deems appropriate.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.30 Waiver of Time Requirements

The Civil Service Department may act to modify or waive any of the specific time requirements set forth in this Rule for Unfair Labor Practice Charges upon showing of good cause. The time limits contained in this Rule may also be waived by the Civil Service Department when, because of unusual circumstances, it becomes impracticable for the Civil Service Department to comply with same. After the adoption of this Rule by the Commission, Unfair Labor Practice Charges shall comply within the time limitation as set forth elsewhere in this Rule.

Rule 7
Rules Related to the Employer-Employee
Relations Ordinance
Article IV: Procedures for the Utilization of
Administrative Law Judges

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.31 Complaint

All actions which may or must be heard by an Administrative Law Judge shall be initiated by the filing of a complaint. Said complaint shall be filed with the Executive Officer of the Civil Service Commission and shall contain a statement of charges which shall set forth in ordinary and concise language the acts or omissions with which the respondent is charged, to the end that the respondent will be able to prepare a defense. The complaint shall specify the statutes, ordinances or Rules which the respondent is alleged to have violated but shall not consist merely of charges phrased in the language of such statutes, ordinances or Rules. The complaint shall be verified and said verification may be on information and belief.

Sec. 7.32 Service of Complaint

If the complaint raises issues which must be referred to an Administrative Law Judge, the Civil Service Department shall, within ten working days of receipt thereof, serve a copy of the complaint on the named respondent(s) and on the Human Resources Director. Said service shall be accomplished by the respondent(s) being personally served with a copy of the complaint or a copy being sent to the respondent(s) by registered mail to the address the respondent has on file with the Civil Service Department as his or her place of residence.

Sec. 7.33 Notice of Hearing and Answer to Complaint

Accompanying the complaint so served shall be a notice from the Civil Service Department to the effect that a hearing will be held on the complaint and that the respondent(s) will be notified of said date when fixed. Such notice of the time and place of hearing shall be personally delivered or mailed to the parties at least ten days prior to the hearing. The respondent(s) shall also be informed that they may, within 15 days of receiving the complaint, file an answer thereto with the Civil Service Department admitting or denying the complaint in whole or in part. The hearing shall not be scheduled prior to the expiration of the time within which the respondent is entitled to file an answer.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.33 Notice of Hearing and Answer to Complaint (cont.)

Failure on the part of the respondent(s) to file an answer to the complaint within the aforementioned time limitation shall be deemed an admission of the truth of the facts contained herein and the hearing shall proceed on that basis.

Sec. 7.34 Amendment to Complaint

7.34.1 A complaint may be amended once by the complainant at any time before an answer is filed with the Civil Service Department by filing same with the Civil Service Department. The Civil Service Department shall, in compliance with these Rules, serve a copy of the amended complaint on the respondents. Accompanying the service of the amended complaint on the respondent shall be information to the effect that the respondent shall have ten days in which to admit or deny the allegations contained in the amended complaint.

7.34.2 The Administrative Law Judge may, in the furtherance of justice and on such terms as may be proper, allow a party to amend any pleading after notice to the adverse party, and may also on such terms as may be proper, allow an answer to be made after the time limitation contained in these procedures.

Sec. 7.35 Discovery

7.35.1 After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the Civil Service Department of the initial pleading, or within 15 days after such service of an additional pleading, is entitled to obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to those intended to be called to testify at the hearing; and inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

1) statement of a person, other than the respondent named in the initial pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to such person is the basis for the proceeding;

2) statement pertaining to the subject matter of the proceeding made by any party to another party or person;

3) statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in 1 or 2 above;

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.35 Discovery (cont.)

7.35.1 (cont.)

4) all writings, including but not limited to, reports of mental, physical, and blood examinations and things which the party then proposes to offer in evidence;

5) any other writing or thing which is relevant and which would be admissible in evidence;

6) investigative reports made by or on behalf of the Civil Service Department or other party pertaining to the subject matter of the proceeding, to the extent that such reports contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions, or events which are the basis for the proceeding; or reflect matters perceived by the investigator in the course of the investigation; or contain or include by attachment any statement or writing described in (1) to (5) inclusive, or summary thereof.

7.35.2 For the purpose of this Rule, "statement" includes written statements by the person, signed or otherwise authenticated by the person, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of such oral statements.

7.35.3 Nothing in this Rule shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

Sec. 7.36 Discovery, Judicial Remedy

7.36.1 Any party claiming their request for discovery pursuant to this Rule has not been complied with may serve and file a verified petition to compel discovery in the Superior Court for the county in which the administrative hearing will be held, naming as respondent the party refusing or failing to comply with this Rule. The petition shall state facts showing the respondent party failed or refused to comply with this Rule,, a description of the matters sought to be discovered, the reason or reasons why such matter is discoverable under this provision, and the ground or grounds of respondent's refusal so far as known to petitioner.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.36 Discovery, Judicial Remedy (cont.)

- 7.36.2** The petition shall be served upon the respondent party and filed within 15 days after the respondent party first evidenced their failure or refusal to comply with this Rule or within 30 days after request was made and the party has failed to reply to the request, whichever period is longer. If from a reading of the petition, the court is satisfied that the petition sets forth good cause for relief, the court shall issue an order to show cause directed to the respondent party; otherwise the court shall enter an order denying the petition. The order to show cause shall be served upon the respondent and their attorney of record in the administrative proceeding by personal delivery or registered mail and shall be returnable no earlier than ten days from its issuance nor later than 30 days after the filing of the petition. The respondent party shall have the right to serve and file a written answer or other response to the petition and order to show cause.
- 7.36.3** The administrative proceeding shall be stayed during the pendency of the proceedings before the Superior Court only if the court issues an order to show cause.
- 7.36.4** Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that such matter is not a discoverable matter under the provisions of this Rule or is privileged against disclosure under such provisions, the court may order lodged with it such matters as are provided in subdivision (b) of Section 915 of the Evidence Code and examine such matters in accordance with the provisions thereof.
- 7.36.5** The court shall decide the case on the matters examined by the court in camera, the papers filed by the parties, and such oral argument and additional evidence as the court may allow.
- 7.36.6** Unless otherwise stipulated by the parties, the court shall not later than thirty (30) days after the filing of the petition file its order denying or granting the petition, provided however, the court may on its own motion for good cause extend such time an additional 30 days. The order of the court shall be in writing setting forth the matters or parts thereof the petitioner is entitled to discover under this Rule. A copy of the order shall forthwith be served by mail by the clerk upon the parties. Where the order grants the petition in whole or in part, such order shall not become effective until ten days after the date the order is served by the clerk. Where the order denies relief to the petitioning party, the order shall be effective on the date it is served by the clerk.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.36 Discovery, Judicial Remedy (cont.)

- 7.36.7** The order of the Superior Court shall be final and not subject to review by appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the Superior Court's order serve and file in the appropriate court of appeal a petition for a writ of mandamus to compel the Superior Court to set aside or otherwise modify its order. Where such review is sought from an order granting discovery, the order of the trial court and the administrative proceeding shall be stayed upon the filing of the petition for writ of mandamus, provided, however, the court of appeal may dissolve or modify the stay thereafter if it is in the public interest to do so. Where such review is sought from a denial of discovery, neither the trial court's order nor the administrative proceeding shall be stayed by the court of appeal except upon a clear showing of probable error.
- 7.36.8** Where the Superior Court finds that a party or their attorney, without substantial justification, failed or refused to comply with this Rule or, without substantial justification, filed a petition to compel discovery pursuant to this section, or, without substantial justification, failed to comply with any order of court made pursuant to this Rule, the court may award court costs and reasonable attorney fees to the opposing party. Nothing in this subdivision shall limit the power of the Superior Court to compel obedience to its orders by contempt proceedings.

Sec. 7.37 Administrative Law Judge, Reporter

- 7.37.1** Every hearing in a contested case shall be presided over by an Administrative Law Judge. The Administrative Law Judge shall preside at the hearing, Rule on the admission and exclusion of evidence, and matters of law.
- 7.37.2** The Administrative Law Judge shall voluntarily disqualify herself or himself and shall withdraw from any case in which the Administrative Law Judge cannot afford a fair and impartial hearing or consideration. Any party may request the disqualification of any Administrative Law Judge by filing an affidavit, prior to the taking of evidence at a hearing, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be afforded. The issue of disqualification shall be determined by the Administrative Law Judge.
- 7.37.3** The proceedings at the hearing shall be reported by either a court reporter or by electric recording device.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.38 Evidence Rules

7.38.1 Oral evidence shall be taken only on oath or affirmation.

7.38.2 Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called the witness to testify; and to rebut the evidence against her or him. If the respondents do not testify in their own behalf, they may be called and examined as if under cross-examination.

7.38.3 The hearing need not be conducted according to technical Rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory Rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The Rules of privilege shall be effective to the extent that they are otherwise required by statute to be recognized at the hearing, and irrelevant and unduly repetitious evidence shall be excluded.

7.38.4 The hearing shall be conducted in the English language. The proponent of any testimony to be offered by a witness who does not proficiently speak the English language shall provide an interpreter, approved by the Administrative Law Judge conducting the proceeding as proficient in the English language and the language in which the witness will testify, to serve as interpreter during the hearing. The cost of the interpreter shall be paid by the party providing the interpreter.

Sec. 7.39 Evidence by Affidavit

7.39.1 At any time ten or more days prior to a hearing or a continued hearing, any party may mail or deliver to the opposing party a copy of any affidavit which that party proposes to introduce in evidence, together with a notice as provided in this Rule. Unless the opposing party, within seven days after such mailing or delivery, mails or delivers to the proponent a request to cross-examine an affiant, the right to cross-examine such affiant is waived and the affidavit, if introduced in evidence, shall be given the same effect as if the affiant had testified orally. If an opportunity to cross-examine an affiant is not afforded after request therefor is made as herein provided, the affidavit may be introduced in evidence, but shall be given only the same effect as other hearsay evidence.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.39 Evidence by Affidavit (cont.)

7.39.2 The notice referred to in above shall be substantially in the following form: The accompanying affidavit of (here insert name of affiant) will be introduced as evidence at the hearing in (here insert title of proceeding). (Here insert name of affiant) will not be called to testify orally and you will not be entitled to question her or him unless you notify (here insert name of the proponent or attorney) at (here insert address) that you wish to cross-examine her or him. To be effective, your request must be mailed or delivered to (here insert name of proponent or attorney) on or before (here insert a date seven days after the date of mailing or delivering the affidavit to the opposing party).

Sec. 7.40 Official Notice

In reaching a decision official notice may be taken, either before or after submission of the case for decision of any fact which may be judicially noticed by the courts of this State. Parties present at the hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record, referred to therein, or appended thereto. Any such party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the Administrative Law Judge.

Sec. 7.41 Decision of Administrative Law Judge

After the matter is submitted, the Administrative Law Judge shall prepare a written decision in the case which shall be immediately binding upon all the parties to the hearing. A copy of said decision shall be furnished to each party and to the Human Resources Director.

Sec. 7.42 Continuance

The Administrative Law Judge may grant continuances. When an Administrative Law Judge of the Office of Administrative Hearings has been assigned to such hearing, no continuance may be granted except by the Administrative Law Judge or by the Administrative Law Judge in charge of the State of California Office of Administrative Hearings for good cause shown.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.43 Matters Which May be Submitted to an Administrative Law Judge

- 7.43.1** If the complaint raises issues which may be submitted to an Administrative Law Judge, the Civil Service Department shall, within 30 calendar days, excluding Saturdays, Sundays and Holidays from receipt thereof, conduct an investigation into the facts surrounding the allegations and based thereon make a determination as to whether or not the complaint has sufficient merit to warrant a hearing before an Administrative Law Judge.
- 7.43.2** If the Civil Service Department determines that the facts stated in the complaint give rise to a valid dispute between the parties, the matter shall be referred to an Administrative Law Judge and the provisions of this article shall be applicable. If the Civil Service Department determines that the complaint does not state facts which warrant a hearing by the Administrative Law Judge, it shall dismiss said complaint and immediately notify the complainant of such action.

Sec. 7.44 Subpoenas

- 7.44.1** Before the hearing has commenced, the Administrative Law Judge shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the hearing. Compliance with the provisions of Section 1985 of the Code of Civil Procedure shall be a condition precedent to the issuance of a subpoena duces tecum. After the hearing has commenced, the Administrative Law Judge may issue subpoenas and subpoenas duces tecum.
- 7.44.2** The process issued pursuant to this Rule, shall be extended to all parts of the State and shall be served in accordance with the provisions of Sections 1987 and 1988 of the Code of Civil Procedure. No witnesses shall be obliged to attend at a place out of the county in which they reside unless the distance be less than 150 miles from the place of residence except that the Administrative Law Judge, upon affidavit of any party showing that the testimony of such witness is material and necessary, may endorse on the subpoena an order requiring the attendance of such witnesses.
- 7.44.3** All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the State or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a Superior Court. Witnesses appearing pursuant to subpoena, except the parties, who attend hearings at points so far removed from their residence as to prohibit return thereto from day to day shall be entitled in addition to fees and mileage to a per diem compensation of \$25.00 for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the hearing. Fees, mileage, and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

Applicability: Unless otherwise noted, the provisions of Rule 7 apply to employees in all classes.

Sec. 7.45 Contempt

If any person in proceedings before an Administrative Law Judge disobeys or resists any lawful order or refuses to respond to a subpoena, or refuses to take the oath or affirmation as a witness or thereafter refuses to be examined, or is guilty of misconduct during a hearing or so near the place thereof as to obstruct the proceeding, the Administrative Law Judge shall certify the facts to the Superior Court in and for the City and County of San Francisco. The court shall thereupon issue an order directing the person to appear before the court and to show cause why he or she should not be punished as for contempt. The order and a copy of the certified statement shall be served on the person. Thereafter the court shall have jurisdiction of the matter. The same proceedings shall be had, the same penalties may be imposed and the persons charged may purge themselves of the contempt in the same ways, as in the case of persons who have committed a contempt in the trial of a civil action before a Superior Court.

Sec. 7.46 Power to Administer Oath

In any proceedings under these Rules, the hearing reporter or the Administrative Law Judge shall have the power to administer oaths and affirmations.

Rule 8

Approval of Payrolls (Proposed)

Rule 9

Position Classification and Related Rules

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Article I: Classification

- Sec. 9.1** **Classification of Positions**
- Sec. 9.2** **Class Series and Service**
- Sec. 9.3** **Class Specification**
- Sec. 9.4** **Official Copy**
- Sec. 9.5** **Administration of the Classification Plan**
- Sec. 9.6** **Amendment to Classification Plan**
- Sec. 9.7** **Reviews and Appeals**
- Sec. 9.8** **Effect of Classification Changes on Incumbent**

Article II: Temporary Out-of-Class Assignments

- Sec. 9.9** **Temporary Out-of-Class Assignments - Policy and Definition**
- Sec. 9.10** **Implementation of Pay Provisions when Authorized**

Article III: Status Rights

- Sec. 9.11** **General Principles**
- Sec. 9.12** **Status Rights Determined by Commission**
- Sec. 9.13** **Renumbering or Retitling of Established Classes**
- Sec. 9.14** **Status Rights Under Different Situations**
- Sec. 9.15** **Status in Two-Level Higher Promotional Situation**
- Sec. 9.16** **When Counterparts in Former Classification Plan**
- Sec. 9.17** **Waiver of Status Assignment**
- Sec. 9.18** **Reassignment from Position Held by Status Assignment**
- Sec. 9.19** **Termination of Probationary Appointment of Transferee by Status**
- Sec. 9.20** **When Appointee Not Available for Status Assignment**
- Sec. 9.21** **Disability Transfers and Status Rights**
- Sec. 9.22** **Salary Step Placement Resulting from Status Grant**

Rule 9

Position Classification and Related Rules

Article I: Classification

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.1 Classification of Positions

- 9.1.1** Each position in the classified service shall be classified by the Human Resources Director and allocated to the appropriate class in accordance with the character, difficulty, and responsibility of the assigned duties.
- 9.1.2** Positions shall be allocated to the same classes when their duties are sufficiently similar that
- 1) the same descriptive title may be used to designate each position in the class;
 - 2) the same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents;
 - 3) similar tests of fitness may be used to select incumbents; and
 - 4) the same schedule of compensation will apply with equity under substantially the same conditions.

Sec. 9.2 Class Series and Service

All classes involving the same kind of work, but differing as to level of difficulty and responsibility, shall be assembled into the same series. All series within the same broad occupational field shall be assembled into the same service.

Sec. 9.3 Class Specification

- 9.3.1** The class specification shall be the official record of the Position Classification Plan. The specifications, in addition to defining the duties and characteristics of the class, shall give examples of the more significant and typical duties assigned to positions in the class, the minimum requirements for applicants for positions in the class, and any other special requirements.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.3 Class Specification (cont.)

- 9.3.2** The class specifications shall be descriptive of the class and shall not be considered as a restriction on the assignment of duties not specifically listed. They are intended to indicate the kind of positions that should be allocated to a class and shall not be construed as describing the exact duties and responsibilities of each individual position allocated to the class. The appointing officer has the authority to assign an employee to perform work provided that it is consistent with the kind of duties and level of responsibility of the employee's class, although the work may not be specifically described in the class specification.

Sec. 9.4 Official Copy

The Human Resources Director shall maintain an accurate and completed copy of the Position Classification Plan to be designated as the "Official Copy." All changes in allocation or reallocation of positions to classes or amendment of classifications shall be recorded in the "Official Copy" of the Position Classification Plan. The "Official Copy" of the Position Classification Plan shall be open for public inspection.

Sec. 9.5 Administration of the Classification Plan

- 9.5.1** The Human Resources Director shall make position classification studies of individual positions or groups of positions whenever the Human Resources Director deems it necessary, whenever the duties or responsibilities have undergone significant changes, or whenever new positions are to be created.
- 9.5.2** Upon request of the Human Resources Director, the appointing officer shall furnish detailed information relative to the duties and responsibilities or work assignments of positions under the appointing officer's jurisdiction. The appointing authority shall notify the Department of Human Resources promptly of significant changes in duties, responsibilities, or work assignments of positions under his or her jurisdiction.

Sec. 9.6 Amendment to Classification Plan

All proposed changes to the Position Classification Plan shall be posted on the official Bulletin Board for a period of at least one (1) week before such requests shall be acted upon by the Human Resources Director.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.7 Reviews and Appeals

Any employee, representative, or appointing authority affected by any classification action may appeal the action to the Commission. The appeal shall be in accordance with the procedures established by the Executive Officer of the Civil Service Commission.

Sec. 9.8 Effect of Classification Changes on Incumbent

- 9.8.1** The allocation or reallocation of a position shall not adversely affect the rights of an occupant legally holding such a position under permanent appointment. When a position is to be reallocated from one class to a higher or lower class, or from one series to another series, such reallocation shall be effected when the position becomes vacant by reassignment or for other reason(s). Pending such reallocation, the incumbent shall continue in the position.
- 9.8.2** An employee who gains eligibility in the class to which the position is to be allocated may receive an appointment thereto in accordance with the Rules governing appointments.
- 9.8.3** Whenever the title of the class changes without a change in duties or responsibilities, the incumbent shall have the same status in the new class as in the old class.

Rule 9

Position Classification and Related Rules

Article II: Temporary Out-of-Class Assignments

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes; however, the dispute resolution procedure prescribed in Article II may be superceded by the provisions of a collective bargaining agreement when the dispute involves compensation.

Sec. 9.9 Temporary Out-of-Class Assignments - Policy and Definition

- 9.9.1** In accordance with this Rule, an appointing officer may exercise Charter authority to assign an employee to perform any of the duties of the department to which appointed and to make any temporary out-of-class assignment to maintain the provision of any public service.
- 9.9.2** "Temporary out-of-class assignment" means the assignment of an employee without change in class to perform the normal day-to-day duties and responsibilities of another class. Records of such temporary out-of-class assignment shall be placed in the employee's personnel file.
- 1)** "Temporary out-of-class assignment" is distinguished from "temporary appointment" which refers to an appointment to a differently classified position in accordance with civil service appointment provisions and in accordance with budgetary requirements.
 - 2)** "Temporary out-of-class assignment" is further distinguished from a short term or regular assignment of a minor portion of work duties which are allocated to a different class, but which are generally related to the regular duties or level of responsibility of the employee's current class.
 - 3)** The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls and procedures as may be necessary.
 - 4)** Temporary out-of-class assignments shall not be made when an appointment based on the regularly established Rules and procedures of the Civil Service Commission may be made. Temporary out-of-class assignments may be approved while an appointment through the established procedures is pending.
 - 5)** When a temporary out-of-class assignment is in order, selection and retention shall be at the discretion of the appointing officer or designee.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes; however, the dispute resolution procedure prescribed in Article II may be superceded by the provisions of a collective bargaining agreement when the dispute involves compensation.

Sec. 9.10 Implementation of Pay Provisions when Authorized

9.10.1 When pay for temporary out-of-class assignment is authorized by ordinance, periods of absence during temporary out-of-class assignment due to leave in a paid status do not constitute a break in service for the purpose of computing any service requirement for eligibility for acting assignment pay. Employees shall not be rotated in or removed from a temporary out-of-class assignment in order to deprive the employee of or to avoid liability for acting assignment pay.

9.10.2 When a temporary out-of-class assignment has been made by the appointing officer and temporary out-of-class assignment pay is denied, the employee shall not be required to continue to perform the duties of the higher class beyond the date of eligibility for pay; provided, however, that the employee may elect to continue to perform the duties of the temporary out-of-class assignment without additional compensation. If the employee elects to continue in the temporary out-of-class assignment, the appointing officer shall resubmit the request for acting assignment pay. If the employee does not elect to continue the temporary out-of-class assignment, the appointing officer may assign such duties to other employees.

9.10.3 Appeal of Appointing Officer's Decision

1) A dispute concerning an appointing officer's decision on implementation and application of this section shall be submitted to the appointing officer or designee who may hold a meeting with the employee and shall render a decision within ten business days of the date of the submission.

2) The decision of the appointing officer or designee shall be final unless that decision is appealed in writing within ten business days through the Executive Officer EITHER, at the option of the employee, to the Human Resources Director subject to appeal to the Commission OR to a fact-finding panel. The use of one option shall preclude the use of the other option.

3) The fact-finding panel, if used, shall consist of three persons: one person shall be designated by the Civil Service Commission who shall be selected from among persons nominated by appointing officers; one person shall be designated by the employee organizations; and one person shall be designated by the Human Resources Director who shall be an employee of the Department of Human Resources and who shall be the chair of the panel. A panelist shall serve until that person is replaced or resigns. Each designating authority shall appoint at least one alternate for its panelist. This panel shall constitute the Civil Service Commission's designee for purposes of hearing and determination of an appointing officer's decision on implementation and application of this section.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes; however, the dispute resolution procedure prescribed in Article II may be superceded by the provisions of a collective bargaining agreement when the dispute involves compensation.

Sec. 9.10 Implementation of Pay Provisions when Authorized (cont.)

9.10.3 Appeal of Appointing Officer's Decision (cont.)

4) The decision of the panel shall be final unless a written request for reconsideration is received in the Civil Service Commission office within ten business days of the panel's decision. Such requests for reconsideration shall be processed as provided elsewhere in these Rules, except, if the decision of the panel is unanimous, the concurrence of four commissioners shall be required for reconsideration hearing to be granted. If there are less than five members on the Commission at the time the reconsideration request is processed, then the concurrence of a majority of all the members of the Commission shall be required for a reconsideration hearing to be granted.

9.10.4 Time Limit

Failure to appeal the decision of the appointing officer, the Human Resources Director, or the fact-finding panel within the time limits provided shall preclude the use of the appeal process.

9.10.5 Grievance Exclusion

Decisions of an appointing officer, the fact-finding panel, or the Civil Service Commission on the implementation and application of this section shall not be subject to grievance procedures provided elsewhere in these Rules.

Rule 9

Position Classification and Related Rules

Article III: Status Rights

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.11 General Principles

Status in the City and County service is the right or rights which an employee has to perform certain duties. These rights stem from the examination in which the employee qualified and/or the appointment received, and the duties performed as indicated on official records. The class specification or duties statement in existence at the time for the examination and/or appointment is a basic reference document in determining status rights in a class. An employee has rights to a position in a class, but not to a particular position within such class. The appointing officer has very broad discretion in reassigning an employee from one position to another position in the same class.

Sec. 9.12 Status Rights Determined by Commission

In cases where status is involved, the Human Resources Director shall be responsible for the determination of status rights of employees and eligibles, and shall by action indicate a determination in accordance with the provisions of this Rule.

Sec. 9.13 Renumbering or Retitling of Established Classes

When the reallocation of a position or positions from a former class to a new class represents only the renumbering and/or retitling of the position or positions of the former class, and the class description and/or class specification has been changed to describe more accurately the duties actually being performed, all permanent employees in the former class are continued in the new class. Eligibles on lists in the former class are deemed to have rights to certification in the new class.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.14 Status Rights Under Different Situations

9.14.1 Status in the following situations will be administered as provided by this section:

- 1) when the duties of a former class have been split off into two or more new classes; or
- 2) when the duties of two or more former classes have been consolidated into one new class; or
- 3) when the duties being performed are allocated to a new class for which there is no former civil service class, but the duties, although not specifically described in a former class, have been deemed by classification actions of the Human Resources Director made prior to the effective date of this Rule to be a part of the duties of the former class, or
- 4) when status to a new class from a former class is not indicated under the provisions of this Rule, and there is not a significant difference in the kind and level of difficulty of work of the two classes.

9.14.2 In each of the above situations, the following shall apply:

- 1) all permanent employees in positions in the former class which have been reallocated to a new class are granted status in positions in the new class as of the effective date of the amendment to the Annual Salary Ordinance establishing such positions in the new class;
- 2) the remaining employees in the same former class in the same department are granted rights to assignment to positions in the new classes as vacancies occur according to seniority standing in the department;
- 3) permanent employees occupying positions in the same former class in other departments are granted the right to transfer to positions in the new class or classes as vacancies occur. Such requests for transfer shall be governed by the provisions of the these Rules governing appointment by transfer;
- 4) eligibles on regular civil service lists for the former classes are deemed to have rights to certification to positions in the new classes after incumbents in various departments have exercised their status rights; and

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.14 Status Rights Under Different Situation (cont.)

9.14.2. (cont.)

5) in administering the above, if the difference between the salary ranges of the former class and the new class is more than five percent, a significant difference in kind and level of difficulty of the work shall be deemed to exist. The five percent salary factor shall be measured from the first class from which status was granted, and the employee to whom status has been granted shall have no further status rights under the provisions of this Section.

Sec. 9.15 Status in Two-Level Higher Promotional Situation

When an employee has been found to be performing the duties of a position allocated to a class two levels higher than the employee's former class, and status has been granted to occupants of positions of the former class in a class one level higher, such positions shall be reallocated to the class one level higher and the employee shall be granted status in the position so reallocated as of the effective date of the amendment to the Annual Salary Ordinance establishing such position; provided however, that such positions will be flagged for reallocation to the higher level and incumbents in such positions will be required to attain eligibility on civil service lists for the higher class within a period of four years. If an employee in such instances is not reached for appointment to the higher class in the aforementioned period of time, the employee shall be reassigned to another position in the class to which the employee has attained status when this can be done without adversely affecting the rights of the person so reassigned as defined in this Rule.

Sec. 9.16 When Counterparts in Former Classification Plan

When a position is to be reallocated from one class to another class, and there were counterparts of both of these classes in the former classification plan, status shall not be granted.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.17 Waiver of Status Assignment

An employee may waive the right to advancement or assignment under the Status Rule, and may thereafter upon written request, be granted a withdrawal of such waiver with the approval of the Human Resources Director. Until such waiver is withdrawn, the employee's right to advancement or assignment shall be deemed to be in abeyance. Failure to accept an advancement or assignment to a vacancy under a status action following such withdrawal of waiver shall terminate all rights to a position in such class under such status action. In cases of temporary, seasonal, or recurring status advancements, employees with status rights to so advance shall be given unlimited rights to temporary waiver.

Sec. 9.18 Reassignment from Position Held by Status Assignment

When a permanent employee in a former civil service class has exercised the right to status in one of the new classes resulting from the former class, the employee may thereafter voluntarily accept reassignment from the position to which assigned and be returned to a vacant position in the former class; or if no such vacant position exists, the employee may be reassigned to a vacancy in another new class to which the employee has status rights, provided that,

- 1) if this action results in receiving a lesser salary than the employee would receive if the employee had remained in the former class, the Human Resources Director shall reallocate the position to the former class in the next succeeding regular Salary Ordinance amendment, and
- 2) the restoration of the position shall be effected by the Human Resources Director not later than six months after such voluntary assignment. Said voluntary reassignment shall terminate status rights with respect to positions in the class from which voluntarily reassigned.

Sec. 9.19 Termination of Probationary Appointment of Transferee by Status

When a permanent employee in a former civil service class has exercised the right to status in one of the new classes resulting from the former class by transfer, and the probationary appointment is terminated by the appointing officer, the employee's reassignment shall be governed by the provisions of this section in the same manner as if the employee had voluntarily requested same.

Applicability: Unless otherwise noted, the provisions of Rule 9 apply to employees in all classes.

Sec. 9.20 When Appointee Not Available for Status Assignment

When a vacancy exists or is anticipated in any department to which an employee has rights to advance under the Status Rule, and there is no employee in the department in which the vacancy exists who wishes to exercise the right to advancement to said vacancy, the appointing officer shall enter such information on the requisition.

Sec. 9.21 Disability Transfers and Status Rights

9.21.1 Employees occupying positions through disability transfer do not have status rights as provided in the previous sections of this Rule, but such employees shall be governed by the provisions of this section.

9.21.2 When a permanent civil service employee has transferred to a position in another class in accordance with the disability transfer provisions of these Rules and the position to which transferred is reallocated to another class in accordance with the recommendations of the classification survey and status is granted in positions as reallocated, the employee's status shall continue under the new class title, subject to the salary limitations provided. If such employee desires reassignment from the position in the class to which currently assigned to a position in another class resulting from the classification survey, such request for reassignment shall be submitted on forms and in accordance with the procedure as provided in the Transfer Rule; provided that, if in the opinion of the Human Resources Director, further certification by the employee's personal physician would not be required, such certification may be waived.

Sec. 9.22 Salary Step Placement Resulting from Status Grant

Permanent employees who are granted status in another class where the compensation schedule is higher than the current class shall be placed at the salary step in the new class which represents the salary closest to, but not lower than, the salary in the former class.

Rule 10

Examination Announcements and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: The provisions of Article I, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article II: Examination Announcements

Applicability: The provisions of Article II, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Applicants

Applicability: The provisions of Article III, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article IV: Applications and Notice of Examinations

Applicability: The provisions of Article IV, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article V: Qualifications of Applicants

Applicability: The provisions of Article V, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Rule 10
Examination Announcements
and Applicants

Article I: Equal Employment Opportunity Policy

Applicability: The provisions of Article I, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.1. Civil Service Commission Equal Employment Opportunity and Affirmative Action Policy Related to Examination Announcements and Application Procedures

It is the goal and policy of the Civil Service Commission to achieve a work force that is fully reflective of the multicultural, ethnic, and gender diversity of the City and County of San Francisco. The Human Resources Director shall conduct outreach for the purpose of announcing upcoming examinations. Outreach shall include such procedures among others as periodic mailings, job fairs, and presentations to inform the public of the employment opportunities and the examination process within the civil service merit system.

Rule 10

Examination Announcements and Applicants

Article II: Examination Announcements

Applicability: The provisions of Article II, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.2 Examination Announcements

The examination announcement shall be the official notice of an examination and shall provide the qualifications, dates, and other particulars regarding the selection procedure. Applicants must be guided solely by the terms of the examination announcement.

Sec. 10.3 Promotional Examinations

Examination announcements for a promotional examination shall be posted on the official bulletin board for a minimum period of ten calendar days. Examination announcements for promotional examinations shall be distributed to all city and county departments. Appointing officers shall make reasonable efforts to properly notify employees.

Sec. 10.4 Appeals of Examination Announcements

Appeals concerning the provisions of an examination announcement must be received by the Human Resources Director within five business days from the issuance date. The Human Resources Director shall rule on all appeals and shall notify appellants in writing of the decision. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 10.5 Reissuance of Examination Announcements

After considering appeals submitted under these Rules, the Human Resources Director may reissue an examination announcement. When reissued, an examination announcement is not open to appeal.

Applicability: The provisions of Article II, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.6 Correction of Examination Announcements

Examination announcements may be corrected by the Human Resources Director with respect to clerical errors, misprints, and incorrect wording by posting notice of such corrections next to the original examination announcement. When examination announcements are corrected under the provisions of this section, additional time shall not be allowed for the protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 10 Examination Announcements and Applicants

Article III: Applicants

Applicability: The provisions of Article III, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.7 Recruitment of Applicants

Recruitment shall be conducted to attract qualified applicants and to maximize the multicultural, ethnic, and gender diversity of the workforce in the City and County of San Francisco. Where appropriate or needed, the Human Resources Director shall conduct targeted outreach and recruitment programs, including cooperative efforts with community organizations, to attract qualified members of underrepresented groups.

Sec. 10.8 Definition of an Applicant

An applicant is a person who has filed an application for examination within the time limits or under the conditions specified on the examination announcement.

Sec. 10.9 Qualifications of Applicants

10.9.1 Every applicant for an examination must possess and maintain the qualifications required by law and by the examination announcement for the examination. Experience gained in violation of Commission Rules shall not be recognized. City and County employees shall receive credit only for the duties of the class to which appointed. Credit for experience obtained outside of the employee's class will only be allowed if recorded in accordance with the provisions of these Rules.

10.9.2 Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class nor for a class in which the employee has current permanent appointment.

Sec. 10.10 Review of Applicant Pool Demographics

When there is underrepresentation of an ethnic or gender group for a specific class or occupational category, the Human Resources Director shall review the ethnic and gender demographics of the pool of qualified applicants.

Applicability: The provisions of Article III, Rule 10, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.10 Review of Applicant Pool Demographics (cont.)

Where the pool of applicants does not reflect the demographics of the relevant labor market, and upon consideration of factors such as the number of anticipated vacancies and the level of underrepresentation, the Human Resources Director may take such action as appropriate including extending the filing period, reopening the examination for filing, or canceling the examination.

Sec. 10.11 Promotional Applicants

Applicants for promotive only or combined promotive and entrance examinations shall meet the requirements of the examination announcement under which they apply. If otherwise qualified, civil service employees with permanent, probationary, temporary civil service, or holdover status and who have had six months of verifiable satisfactory experience in any class in any status (including provisional) qualify promotionally.

Sec. 10.12 Change of Address

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the post office and/or an employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Sec. 10.13 Custody of Examination Applications

Examination applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

Sec. 10.14 Names Not to be Made Public

Except as otherwise authorized by the Human Resources Director, neither the names of participants who fail in any examination nor the name of applicants for any examination shall be made public until the tentative eligible list is posted.

Rule 10

Examination Announcements and Applicants

Article IV: Applications and Notice of Examinations

Applicability: The provisions of Article IV, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.15 Qualifications of Applicants

- 10.15.1** Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which applied. Experience gained in violation of Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have out-of-class experience recorded as provided elsewhere in these Rules.
- 10.15.2** Except with permission of the Human Resources Director, no employee may participate in an entrance examination carrying a lower salary schedule than that of the employee's current class. No employee may participate in an examination for a class in which the employee has current permanent appointment status except with the approval of the Human Resources Director.

Sec. 10.16 Application Time Periods

An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which the applicant applied. Verification shall be the official time receipt of the Department of Human Resources or postmark. Examination announcements shall not be distributed after the end of the filing period.

Applicability: The provisions of Article IV, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.17 Notice of Examinations

Official notice of examinations will be posted. Notice of promotional examinations will be posted for a minimum period of ten calendar days. Request(s) for notice of filing dates for entrance examinations may be filed in the Department of Human Resources. Notification cards shall be mailed at the inquirer's risk.

Sec. 10.18 Additional Notice of Promotional Examinations

Notices of promotional examinations shall be distributed to the appropriate departments. Appointing officers shall employ any method of distribution to insure that employees are properly notified.

Sec. 10.19 Application Custody

Applications and supporting documents become the property of the Department of Human Resources when received. Return of such documents shall require the approval of the Human Resources Director.

Sec. 10.20 False Statements by Applicants

Significant false statements, whether intentional or unintentional, made or permitted by any applicant on the application or in the qualifications appraisal interview shall be good cause for the exclusion by the Human Resources Director of such person from any examination, the removal of the applicant's name from the eligible list, and may be good cause for removal or discharge from the City and County service.

Sec. 10.21 Names Not to Be Made Public

The names of applicants for any examination shall not be made public prior to announcement of the results of the examination. Names of participants who fail in any examination shall not be made public.

Sec. 10.22 Change of Address

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the post office and/or the employee's current department only will not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Applicability: The provisions of Article IV, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.23 Correction of Examination Announcements

Examination announcements may be corrected with respect to clerical errors, misprints and incorrect wording by the Human Resources Director, by posting notice of such corrections next to the original examination announcement. The issuance of examination announcements corrected under the provisions of this section shall not allow additional time for protest or appeal of the substantive provisions contained in the original examination announcement.

Rule 10

Examination Announcements and Applicants

Article V: Qualifications of Applicants

Incorporating Charter Section 8.320 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

Applicability: The provisions of Article V, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.24 Application for Examination

Any person having the qualifications prescribed by Section 8.100 of [the] Charter may submit himself or herself for any examination under conditions established by the Civil Service Commission.

Sec. 10.25 Applicants for Entrance Positions - Uniformed Force of Fire Department

Applicants for entrance positions in the uniformed force of the Fire Department shall not be less than 19 years of age at the time of taking the examination, nor less than 20 years of age at the time of appointment.

Sec. 10.26 Application for Entrance Positions - Uniformed Force of Police Department

Applicants for entrance positions in the uniformed force of the Police Department shall not be less than 20 years of age at the time of taking the examination, nor less than 21 years of age at the time of appointment.

Sec. 10.27 Recruitment of Candidates

The Department of Human Resources shall advertise and may take further appropriate means to interest suitable applicants.

Applicability: The provisions of Article V, Rule 10, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 10.28 **Notice of Promotional Examinations**

When examinations for promotion are to be held, the Department of Human Resources shall give notice thereof to all persons in positions entitling them under the Civil Service Commission Rules, to participate in such examination, by posting information thereof on the bulletin board of the Department of Human Resources for a period of ten days and notifying the office, agency, or department concerned.

Sec. 10.29 **Promotional Applicants in the Uniformed Ranks of the Police and Fire Departments**

Promotional applicants in the uniformed ranks of the Police and Fire Departments are governed by the provisions of Charter Section 8.327.

Rule 11

Examinations

Article I: Examination Provisions

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article II: Examination Process

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Veterans Preference in Examinations

Applicability: Unless otherwise noted, the provisions of Article III, Rule 11, apply to employees in all classes.

Rule 11

Examinations

Article I: Examination Provisions

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.1 Civil Service Commission Equal Employment Opportunity and Affirmative Action Policy Related to the Conduct of Examinations

- 11.1.1** It is the policy of the Civil Service Commission that job-related criteria, without regard to relationship, race, religion, sex, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, union affiliation, or other non-merit factors or otherwise prohibited nepotism or favoritism, be utilized in establishing minimum qualification requirements and developing examination procedures.
- 11.1.2** The Human Resources Director shall make every effort to ensure the representation of women and minorities on examination boards, panels and screening committees.

Sec. 11.2 Human Resources Director Empowered to Act

The Human Resources Director shall rule on all matters concerning the examination program in accordance with these Rules.

Sec. 11.3 Requirement to Conduct Examinations

- 11.3.1** Except for reasons beyond the Human Resources Director's control, the Human Resources Director shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.
- 11.3.2** Except for reasons beyond the Human Resources Director's control, the Human Resources Director will make every attempt, on a priority basis, to commence work required to conduct examinations at least 60 days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.
- 11.3.3** Where possible, the Human Resources Director, or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.4 Requirement for Competitive Examinations

All applicants for positions in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless three or more persons participate. However, any such examination may be held for less than three qualified applicants with the approval of the Civil Service Commission after a finding that reasonable publicity of the proposed examination has been given.

Sec. 11.5 Examinations Without Charge

Examinations shall be without charge to the applicants.

Sec. 11.6 Apprenticeship Positions

Appropriate rosters of eligibles established by a trade, craft, or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

Sec. 11.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director, subject to appeal to the Civil Service Commission, shall judge the adequacy of the examination to rate the capacity of the applicants to perform service for the City and County.

Sec. 11.8 Establishing Cutoff Scores and Number on Eligible Lists

For each selection procedure, the Human Resources Director shall establish a cutoff or passing score and shall determine the number of persons who shall constitute the eligible list based on the needs of the Service, equal employment opportunity principles, and affirmative action goals. Once established, the cutoff score shall not be changed.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.9 Cheating or Fraud in Examinations

It is the policy of the Civil Service Commission that examinations shall be conducted in a fair and impartial manner in order to test fairly the relative qualifications, merit, and fitness of applicants. Any person cheating, attempting to cheat, or assisting other persons in cheating in any phase of the examination process shall be prosecuted to the full extent of the Charter and other laws. Actions to be taken include elimination from the examination process, dismissal, and ineligibility for future employment. Cheating shall include the use or attempted use of materials not authorized by the scheduling notice to candidates to report for the examination. Significant false statements by applicants on the application or during the selection process shall be good cause for the exclusion of such person from the examination and such other appropriate action as may be recommended by the Human Resources Director.

Sec. 11.10 Copying of Examination-Related Materials

The copying or the making of notes or outlines of examination-related materials is prohibited.

Sec. 11.11 Rating Keys - Written Examinations Other Than Essay Questions

- 11.11.1** Written examinations other than essay questions are defined as those tests which present answers that may be available for inspection. Typical formats of written examinations include multiple-choice, true-false, or fill-in.
- 11.11.2** The examination booklet in written examinations, if not exempted from inspection privileges, shall state the time period where participants in an examination may review the rating key to be used for scoring. No changes in the rating key shall be made after the passing score has been established.
- 11.11.3** Inspection of the rating key is for the purpose of determining if any of the questions asked or answers are ambiguous, incorrect, or improper. Appeals concerning the rating key must be completed in the inspection room on forms supplied by the Department of Human Resources. Appeals must include substantiating data or authoritative references. If any appeals have been filed, an additional period for review of appeals and submission of counter-appeals will be provided. The Human Resources Director shall act on all appeals. The decision of the Human Resources Director shall be final.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.11 Rating Keys - Written Examinations Other Than Essay Questions (cont.)

- 11.11.4** Inspection privileges shall not apply to questions and answers in a continuous or standardized examination. The Human Resources Director may delete obsolete or erroneous questions or answers from any examination exempted by this Rule for inspection privileges prior to the establishing of a passing mark.

Sec. 11.12 Inspection of Rating Keys by Review Committee

- 11.12.1** The examination announcement may provide for review of questions and answers by a review committee in those examinations where large numbers of appeals might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three or more persons expert in the field of subject matter covered by the examination. For such examinations in the uniformed ranks of the Police and Fire Departments or other uniformed forces, the members of the Committee shall be appointed by the Human Resources Director, from among a panel of five officers submitted by the appointing officer of the concerned department and shall hold permanent rank not less than that of the class for which the examination is being held.
- 11.12.2** The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the Human Resources Director for approval. The rating key, when approved by the Human Resources Director, shall be made available for review by participants in the examination for a minimum period of two days. The time allowed for such review may be extended if in the judgment of the Human Resources Director, the number of applicants warrants. The participants may appeal to the Human Resources Director concerning only those questions or answers where documented claim of significant error is made. The decision of the Human Resources Director shall be final. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Sec. 11.13 Inspection of Papers by Unsuccessful Candidates

Where there are remaining parts of an examination, unsuccessful candidates may inspect their papers during a two day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the computation of the score has been accurate.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.14 Oral Interview and Other Selection Tests - Definition and Appeals

This Rule section shall govern examination procedures such as oral interviews, performance tests, work sample tests, essay questions, and assessment center exercises.

11.14.1 Procedures and Practices

- 1) The orientation of the raters may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in the class, and related information. The department head or representative shall not discuss any candidate with any rater at this time or any other time prior to the completion of the examination.
- 2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by any rater.
- 3) No rater shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the rater so that it would be difficult to make an impartial rating. If possible, the excused rater shall be replaced by an alternate with similar qualifications.
- 4) Raters may only consider relevant documents from candidates that are required by the scheduling notice.
- 5) Uniform standards shall be applied to every candidate in each examination. The minimum passing rating must be related to a class, not to a single position within a multiple-position class, unless specified by the examination announcement.
- 6) Except as otherwise permitted by law, applicants shall not be questioned regarding their race, religion, sex, national origin, ethnicity, age, disability, gender identity, political affiliation, sexual orientation, ancestry, marital status, color, medical condition, union affiliation or other non-merit factors or otherwise prohibited nepotism or favoritism; nor shall such factors be utilized in establishing minimum qualification requirements and developing examination procedures.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.14 Oral Interview and Other Selection Tests - Definition and Appeals (cont.)

11.14.1 Procedures and Practices (cont.)

7) Recordings of an examination shall be retained until the eligible list is adopted. A defective recording shall not invalidate the examination unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the examination, in which event the Human Resources Director may order a new examination.

8) In the event of an appeal that could invalidate the examination, all other candidates whose standing in the examination may be affected shall be notified of the appeal prior to final action being taken.

9) Any violation of the following procedures and practices by candidates may be cause for disqualification:

- no fraternal rings, organization pins or insignia of any kind shall be displayed by any candidate;
- no candidate shall discuss her or his candidacy or any relationship thereto with any rater prior to the completion of all parts of the examination and the final adoption of the eligible list; and
- unless expressly directed by the notice to candidates to report for examination, no letters of reference or recommendation, performance evaluations, work samples, work products, awards, certificates, or other materials shall be presented to the raters.

11.14.2 Appeals

1) An appeal based on personal bias or competence of a rater shall be made by a candidate to the representative of the Department of Human Resources immediately prior to participation in this phase of the examination. The candidate shall then proceed with the examination. If such appeal is sustained, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged raters. If more than one-half of the raters are successfully challenged, a new rating board shall be constituted, unless more than one rating board has been convened for the examination, in which case the candidate shall be examined by an alternate rating board of equal number.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.14 Oral Interview and Other Selection Tests - Definition and Appeals (cont.)

11.14.2 Appeals (cont.)

2) An appeal based on the conduct of the raters must be made in writing and filed with the Department of Human Resources not later than the second business day after the examination was held and must be based on a claim of bias, malfeasance, or misfeasance of board members; documented inconsistencies, or any questions propounded by the raters which occur during any examination which require an answer in conflict with any Federal, State or City and County laws, rules, or regulations. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal. All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules.

3) In acting on appeals, only the applications, records, and questions and answers which constitute the record of the examination shall be considered. Appeals will only be sustained when the candidate presents evidence that clearly substantiates a charge or charges as to the above listed items. In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 11.15 Inspection of Ratings by Participants

11.15.1 Composite ratings for examinations administered under this section shall be available for a minimum period of two working days during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade shall not be disclosed.

11.15.2 Any appeal shall be filed in writing within the inspection period and shall be limited to inconsistencies in examination administration or failure of the raters to apply uniform standards. Appeals must state the specific grounds upon which they are based and provide facts which support the allegations. Failure to state the specific grounds for the appeal and provide facts shall nullify the appeal.

11.15.3 All appeals properly filed under this section shall be resolved in accordance with the appeal provisions of these Rules. Appeals shall not be considered merely because candidates believe they are entitled to a higher score. Neither the Commission nor the Human Resources Director shall substitute their judgment for the judgment of the raters. Ratings of less than the minimum passing score shall not be raised to more than the minimum passing score.

Applicability: The provisions of Article I, Rule 11, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.15 **Inspection of Ratings by Participants (cont.)**

- 11.15.4** No evidence or documents shall be presented, which were not presented to the raters, unless the candidate was denied the opportunity to do so.
- 11.15.5** In the absence of an appeal under this section, later appeals shall be precluded.

Sec. 11.16 **Authorization for Flexible Staffing Program**

The Human Resources Director is authorized to establish flexible staffing programs to promote permanent civil service employees past the probationary period to higher classes within an occupational series or to another series by methods other than traditional selection procedures. In establishing a flexible staffing program, the Human Resources Director shall consider, among other factors, length of permanent service, performance appraisal ratings, availability of positions, budgetary restrictions, and affirmative action. The specific procedures and qualifications established shall be listed in the flexible staffing examination announcement for the class(es) involved.

Rule 11 Examinations

Article II: Examination Process

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.17 **Charter Authority**

The examination program shall be in accordance with the provisions of the Charter. The Human Resources Director shall rule on all matters concerning the examination program as provided elsewhere in these Rules.

Sec. 11.18 **Announcement**

The examination announcement shall provide the qualifications, dates, duration of eligible lists, and other particulars regarding the examinations thereon announced. Applicants must be guided solely by the announcement of the examination(s) for which they apply.

Sec. 11.19 **Protests of Examination Announcements**

Appeals concerning the provisions of an announcement must be received by the Department of Human Resources within seven business days from the issuance date. The Human Resources Director will rule upon appeals and notify petitioners in writing. This decision is subject to appeal to the Commission as provided elsewhere in these Rules.

Sec. 11.20 **Reissuance of Examination Announcements**

After considering appeals submitted in accordance with this Rule, the Human Resources Director may reissue the announcement. When reissued, an examination announcement is not subject to the appeal procedure.

Sec. 11.21 **Official Time Periods**

Examination announcements shall set forth time limits for determination of the qualifications of applicants.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.22 Promotional Applicants Except for Members of the Uniformed Ranks of the Police and Fire Departments

- 11.22.1** Applicants for promotional examinations shall meet the requirements of the examination announcement under which they apply and be eligible to participate in examinations on a promotive basis as defined by this Rule.
- 11.22.2** The following employees who are otherwise qualified are entitled to participate in examinations on a promotive basis if they meet the service requirements specified below:
- 1)** Employees with permanent status who have completed the probationary period;
 - 2)** Employees with permanent civil service, probationary, or certified temporary status currently on authorized leave of absence;
 - 3)** Employees with holdover rights;
 - 4)** Employees serving a probationary period in a different class but who were last employed in a next lower rank class as a certified temporary, probationary, or permanent employee past the probationary period;
 - 5)** Appointees from a regular adopted eligible list to a non-permanent position other than a "near list" appointment;
 - 6)** Employees serving a probationary period.
- 11.22.3** All employees entitled to participate in promotive examinations as outlined above shall meet the following requirements:
- 1)** A period of six months of service in the class or for the period provided in the examination announcement in any status; AND
 - 2)** Certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the forms and in the manner prescribed by the Human Resources Director.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.23 **Promotional Applicants in the Uniformed Ranks of the Police and Fire Departments**

Promotional applicants in the uniformed ranks of the Police and Fire Departments are governed by the provisions of Charter Section 8.327.

Sec. 11.24 **Means of Identification**

11.24.1 The Human Resources Director shall determine the method of candidate identification to be used in written and performance examinations.

11.24.2 When the sealed identification method is used, candidates are prohibited from making identifying marks on their examination papers. The examination papers of a candidate who makes identifying marks may be canceled. Sealed identification sheets of successful candidates may not be opened until all ratings and the passing mark are final.

11.24.3 Where a number of candidates have competed in two or more examinations in a series and at least one candidate has passed one and failed one of the examinations, the identification sheets of the candidates who have failed one examination may be opened prior to the qualifications appraisal interview but only for the purpose of determining which candidates should participate in the qualifications appraisal interview. Under no circumstance may the score on the examination passed be divulged by the Department of Human Resources prior to the posting of the tentative eligible list.

Sec. 11.25 **Unauthorized Material**

Any applicant cheating or attempting to cheat in any phase of the examination process shall be eliminated from the examination and thereafter may be ineligible for future employment. Cheating shall include the use or attempted use of material not authorized by the notice to report for examination.

Sec. 11.26 **Copying of Examination Questions**

The copying of examination questions or the making of notes or outlines regarding an examination is prohibited.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.27 Rating Keys

- 11.27.1** The examination booklet in examinations not exempted from inspection privileges shall provide the time period wherein participants in an examination may review the rating key to be used for scoring. Participants in an examination shall be allowed only one review of the rating key unless otherwise ordered by the Human Resources Director. No changes in the rating key shall be made after the identification sheets of any participants have been opened.
- 11.27.2** Inspection of the rating key is for the purpose of correcting errors in the key or determining if any of the questions asked are ambiguous or incorrectly phrased. Protests concerning the rating key must be filled out in the inspection room on forms supplied by the Department of Human Resources. Petitions must include substantiating data or authoritative references. If any protests have been filed, an additional period for review of protests and submission of counter-protests will be provided.

Sec. 11.28 Rating Keys - Continuous Examination

- 11.28.1** Inspection privileges shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written examination. This includes examinations under the continuous testing program.
- 11.28.2** The Human Resources Director may order obsolete or erroneous questions deleted from any examination exempted by this Rule from inspection privileges.

Sec. 11.29 Inspection of Rating Keys by Review Committee

- 11.29.1** Notwithstanding any other provision of these Rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or where there is an immediate need for appointees in the class involved. Such review committee shall be composed of three or more persons expert in the field of subject matter covered by the examination.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.29 Inspection of Rating Keys by Review Committee (cont.)

11.29.1 (cont.)

For examinations in the uniformed ranks of the Police and Fire Departments or other uniformed forces, the members of the Committee shall be appointed by the Human Resources Director from among a panel of five officers submitted by the appointing officer of the concerned department and shall hold rank not less than that of the class for which the examination is being held.

- 11.29.2** The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the Human Resources Director for approval. Such rating key when approved by the Human Resources Director shall be made available for review by participants in the examination for a period of two days. The time allowed for such review may be extended if, in the judgment of the Human Resources Director, the number of applicants warrants. The participants may appeal to the Commission concerning only those questions or answers wherein documented claim of significant error is made. If any appeals have been filed, an additional period for submission of counter-arguments will be provided. If no appeals are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Sec. 11.30 Examination Passing Mark

- 11.30.1** For each examination, the Human Resources Director shall establish a passing mark or shall determine the total number of persons to be included on the list of eligibles based on the needs of the service.
- 11.30.2** No changes in the passing mark shall be made after the identification sheets have been opened.

Sec. 11.31 Inspection of Papers by Unsuccessful Candidates

Where there are remaining parts of an examination, and where the examination is not exempted from inspection under these Rules, unsuccessful candidates may inspect their papers during a two day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the scoring has been accurate.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.32 Veterans Preference in Examinations

11.32.1 Veterans' preference in examinations completed on or after July 7, 1976, shall be administered in accordance with Section 8.324 of the Charter.

11.32.2 The following definitions apply to the administration of this section:

1) Completion date of an examination: The date the eligible list is adopted or on which all competitive parts of the examination have been administered and the passing mark set.

2) Time for filing claim: Applicants must claim preference on the original application form or pre-application form, whichever is filed first. All such claims or withdrawals of claims must be made prior to participation in the first part of the test to be administered.

3) First entitlement to claim preference: The date upon which the applicant was first separated from active duty service, including separations for re-enlistment purposes, and such service would have qualified the applicant to claim preference under the then-current requirements.

Sec. 11.33 Qualifications Appraisal Interview - Procedures and Appeals

11.33.1 Procedures and Practices

1) The orientation of the qualifications appraisal board may include a presentation by the department head or departmental representative which includes a description of the class for which the examination is being held, the setting of the class in the department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.

2) No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.

3) No board member shall rate a candidate who is related to that person or rate a candidate if any strong personal association exists between that candidate and the board member so that it would be difficult to make an impartial rating.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.33 Qualifications Appraisal Interview - Procedures and Appeals (cont.)

11.33.1 Procedures and Practices (cont.)

- 4) No candidate shall discuss her/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.
- 5) No letters of reference or recommendation shall be presented to the qualifications appraisal board.
- 6) The board may consider relevant documents such as specified in examination announcements.
- 7) In all qualifications appraisal interviews, the same standards shall apply to all candidates who appear for the same class.
- 8) The minimum passing or qualifying rating must be related to a class, not to a single position within a multiple position class.
- 9) No applicant for public employment shall be questioned as to political views, religious beliefs, labor affiliations, or racial extraction.
- 10) Recordings of qualifications appraisal interviews shall be retained only until all ratings become final and any timely litigation based thereon has been resolved. A defective recording shall not invalidate the interview unless the Human Resources Director finds the omitted or unintelligible material critically relevant to the case, in which event the Human Resources Director may authorize a second interview or order a new examination.
- 11) In the event of any challenge of an examiner or of any ratings in qualifications appraisal interviews, all other candidates whose standing in the examination may be affected shall be notified of the challenge.

11.33.2 Challenge of Board Members

- 1) A board member may excuse herself or himself from rating any candidate when, in the judgment of the board member, it would be difficult to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.33 Qualifications Appraisal Interview - Procedures and Appeals (cont.)

11.33.2 Challenge of Board Members (cont.)

2) Any challenge as to personal bias or competence of a person serving as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the representative of the Department of Human Resources or authorized representative immediately prior to participation in this phase of the examination. The candidate shall then proceed with the interview. If such challenge is sustained by action of the Commission following denial by the Human Resources Director, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one-half of the board members are successfully challenged, then the Human Resources Director shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case the candidate shall be examined by an alternate panel of equal number.

3) Any appeal or challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the representative of the Examination Unit not later than the second business day on which the qualifications appraisal interview was held. Challenges based on bias, malfeasance, or misfeasance not filed in this two day period cannot be considered. Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules before the identification sheets of those admitted to the oral examination are opened and scores of the participants are known.

4) The Commission, in acting on a challenge or appeal of the conduct of the qualification appraisal board, shall consider only the applications, records, and questions and answers which constitute the record of the qualifications appraisal interview. The Commission will sustain protests only when the candidate presents evidence that clearly substantiates a charge of bias, malfeasance, or misfeasance.

5) The decision of the Civil Service Commission on this subject shall be final.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.33 **Qualifications Appraisal Interview - Procedures and Appeals (cont.)**

11.33.2 **Challenge of Board Members (cont.)**

6) In the absence of a challenge under this section or upon a decision by the Commission under this section, later challenges shall be precluded.

11.33.3 **Inspection of Ratings in Qualifications Appraisal Interviews by Participants**

1) After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two working days following the completion of the computations for all participants or for some other two day period set by the Human Resources Director, provided that the candidates are advised of the dates, during which period each participant may inspect their own ratings. The identity of the examiner giving any mark or grade in a qualification appraisal interview shall not be disclosed.

2) Any challenges shall be filed in writing within the inspection period and shall be limited to:

- claimed inconsistencies or failure of the qualifications appraisal board to apply uniform standards; and
- any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any Federal, State, or City and County laws, rules, or regulations which apply to the government of the City and County of San Francisco, the Department of Human Resources, and/or the Civil Service Commission.

3) All challenges properly filed under this section shall be resolved in accordance with the provisions of these Rules. The Human Resources Director shall not consider challenges merely because candidates believe they are entitled to a higher score. The Human Resources Director will not substitute her/his judgment for the judgment of the qualifications appraisal interviewers. Ratings by a qualifications appraisal board of less than the minimum passing score shall not be raised to more than the minimum passing score.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.33 **Qualifications Appraisal Interview - Procedures and Appeals (cont.)**

11.33.3 **Inspection of Ratings in Qualifications Appraisal Interviews by Participants (cont.)**

- 4) No evidence or documents supportive of qualifications shall be presented to the Human Resources Director which were not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.
- 5) The decision of the Human Resources Director on this subject shall be final.
- 6) In the absence of a challenge under this section or upon a decision by the Human Resources Director under this section, later challenges shall be precluded.

Sec. 11.34 **Rating Seniority, Clean Record and Meritorious Public Service in Promotional Examinations in the Uniformed Ranks of the Fire and Police Departments**

- 11.34.1** When such ratings are provided by Charter or examination announcement, ratings of seniority demerit (clean record) and merit (meritorious public service) in promotional examinations in the Fire and Police Departments shall be calculated as of the beginning date of examination in accordance with the following conditions:
- 1) An act of merit or demerit which has been rated in a promotional examination for a basic class shall not again be rated in a promotional examination for a basic class or an intermediate or specialized class which is promotional from the basic class in which such rating was made.
 - 2) An act of merit or demerit which has been rated in a promotional examination in an intermediate or specialized class shall not again be rated in a promotional examination in an intermediate or specialized class.
 - 3) An act of demerit shall be deemed expunged following ten years of service with a clean record.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.34 Rating Seniority, Clean Record and Meritorious Public Service in Promotional Examinations in the Uniformed Ranks of the Fire and Police Departments (cont.)

11.34.1 (cont.)

4) In applying these schedules, the following are intermediate or specialized classes:

- H4 Inspector, Bureau of Fire Prevention and Public Safety
- H6 Investigator, Bureau of Fire Investigation
- H22 Lieutenant, Bureau of Fire Prevention and Public Safety
- H24 Lieutenant, Bureau of Fire Investigation
- H32 Captain, Bureau of Fire Prevention and Public Safety
- Q35 Assistant Inspector
- Q63 Criminologist

5) In applying these schedules, the following are basic classes:

- H20 Lieutenant, Fire Department
- H30 Captain, Fire Department
- H40 Battalion Chief, Fire Department
- H50 Assistant Chief of Department, Fire Department
- Q50 Sergeant
- Q60 Lieutenant
- Q80 Captain

6) Should a candidate participate in more than one promotional examination having the same beginning date, acts of merit and demerit shall be rated for all such examinations with the same beginning date as provided by the examination announcement.

11.34.2 Acts of merit shall not be rated in promotional examinations in the Fire Department. Acts of merit occurring after March 4, 1954, shall not be rated in promotional examinations in the Police Department.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.34 **Rating Seniority, Clean Record and Meritorious Public Service in Promotional Examinations in the Uniformed Ranks of the Fire and Police Departments (cont.)**

11.34.3 In rating acts of demerit, the following schedules apply for promotional examinations in the police department:

- Suspension: One point deduction for each work day suspended;
- Fines: One point deduction for the equivalent of each working day's salary;
- Reprimand by Police Commission: One point deduction for each reprimand. In applying the above schedules, one week equals five working days, two weeks equals ten working days, three weeks equals 15 working days, one month equals 22 working days, two months equals 44 working days, one-half month equals 11 working days. Fines will be converted to working days on the basis of actual base pay at the time of the fine.

11.34.4 For promotional examinations in the Fire Department:

- For five day, 40 hours per week employment: Same as above; and
- For watch employment: Two-thirds point deduction for each calendar day of suspension.

Sec. 11.35 **Requirement to Conduct Examinations**

11.35.1 Except for reasons beyond the Human Resources Director's control, the Department of Human Resources shall immediately commence to conduct an examination whenever a provisional or near-list appointment is made to a permanent position.

11.35.2 Except for reasons beyond the Human Resources Director's control, the Department of Human Resources will make every attempt, on a priority basis, to commence to conduct examinations at least 60 days prior to expiration of an eligible list where there is a demonstrated need for continuing appointments to such class.

11.35.3 Where possible, the Human Resources Director or designee and bargaining representative shall meet in advance to determine which classes require eligible lists on a continuing basis.

Applicability: The provisions of Article II, Rule 11, apply to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.36 Examination of Applicants

Incorporating Charter Section 8.321 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provision
(Proposition C - November 5, 1991 Election)

11.36.1 Requirement for Competitive Examinations

All applicants for places in the classified service shall submit to examinations which shall be competitive provided, however, that no examination shall be deemed to be competitive unless two or more persons shall participate, except that any such examination may be held for one qualified applicant on recommendation of the Civil Service Commission and approval by resolution of the Board of Supervisors, after a finding by the board that reasonable publicity of the proposed examination has been given.

11.36.2 Examination without Charge

Such examinations shall be without charge to the applicants.

11.36.3 Examination Control and Employment of Examiners

The Human Resources Director shall control all examinations and may employ suitable persons in or out of the public service to act as examiners.

11.36.4 Type of Examinations

The examinations used shall measure the relative capacities of the persons examined to perform the functions, duties, and responsibilities of the class to which they seek appointment. Examinations shall consist of selection techniques which will test fairly the relative qualifications, merit and fitness of the applicants for the position to be filled. Examinations may include written tests to determine job-related aptitude, knowledge, or achievements; and oral tests by qualifications appraisal boards.

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.36 Examination of Applicants (cont.)

11.36.5 Rules Governing Qualification Appraisal Boards

The Human Resources Director shall establish rules governing the size and composition of qualification appraisal board. Qualification appraisal boards may consider, in the case of employees of the City and County of San Francisco, all prior performance evaluations completed on Department of Human Resources forms and, in the case of all applicants, may consider prior work experience, assessment center evaluations, and work samples as part of their evaluation of candidates for employment to any position.

11.36.6 Apprenticeship Positions

Appropriate rosters of eligibles established by a trade, craft or occupation joint apprenticeship committee recognized by the State of California Department of Industrial Relations, Division of Apprenticeship Standards, may be utilized to fill apprenticeship positions or as the basis for establishing apprenticeship eligibility lists.

11.36.7 Adequacy of Examinations

Subject to the approval of the Commission, the Human Resources Director shall judge the adequacy of the tests to rate the capacity of the applicants to perform service for the City and County.

11.36.8 Establishment of Passing Mark and Number of List

The Human Resources Director may, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

11.36.9 Preparation and Order of Eligible List

The Human Resources Director shall prepare the eligible list from the returns of the examiners, arranged in order of relative performance.

11.36.10 Prohibition of Political, Religious or Fraternal Questions

No question submitted to applicants shall refer to political or religious opinions or fraternal affiliations

Applicability: The provisions of Article II, Rule 11, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 11.37 **Protest of Written Questions and Answers**

Incorporating Charter Section 8.322 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provision
(Proposition C - November 5, 1991 Election)

11.37.1 **Review Period by Participants in Written Examinations**

After the written portion of a civil service examination has been held, the questions used and the answers thereto shall be available for review by the participants.

11.37.2 **Exclusion from Review of Continuous or Standardized Tests**

This review period shall not apply to questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written tests.

11.37.3 **Opportunity to Protest Questions and Answers**

During the review period, participants shall have an opportunity to protest questions or answers they believe to be incorrect or improper.

11.37.4 **Changes in Rating Key**

After all protested items have been acted on and after the official rating key has been adopted and the identification sheets have been opened, further changes in the rating key shall not be made.

Rule 11 Examinations

Article III: Veterans Preference in Examinations

Incorporating Charter Section 8.324 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provision
(Proposition C - November 5, 1991 Election)

Applicability: Unless otherwise noted, the provisions of Article III, Rule 11, apply to employees in all classes.

Sec. 11.38 Requirements for Entitlement to Veterans Preference

Veterans with 30 days or more actual service, and widows or widowers of such veterans, who become eligible for appointment by attaining the passing mark in any entrance examination, shall be allowed an additional credit of five percent in making up the list of eligibles established by such examination

Sec. 11.39 Definition of Veterans

The term "veteran" as used in this Rule shall be taken to mean any person who has been mustered into, or served in, or enlisted in the United States Army, the United States Navy, the United State Marine Corps, the United State Army Air Corps, the United States Air Force, or the United States Coast Guard, and served on active duty in said branch of the armed forces of the United States, not including reserve service, at any time for a period of 30 days or more in time of war and been separated from active duty and under conditions other than dishonorable and not resulting from courts martial, except no individual entering the armed forces on or after January 27, 1973, the date of the creation of the volunteer army, shall receive veterans preference in a civil service entrance examination for service of any type in the armed forces of the United States.

Sec. 11.40 Entitlement at Time of Separation from Active Duty

In addition, an individual qualifying for veterans preference as herein defined shall be deemed entitled thereto on his or her date of separation from active duty in the armed forces.

Sec. 11.41 Restriction on Entitlement

No person so qualified shall be granted veterans preference unless he or she indicates qualification therefor on an examination application received by the Department of Human Resources not later than ten years from the date of his or her first entitlement thereto.

Applicability: Unless otherwise noted, the provisions of Article III, Rule 11, apply to employees in all classes.

Sec. 11.42 Entitlement Exhausted Upon Acquiring Permanent Appointment

When an eligible has secured a permanent appointment from a list of eligibles derived from an entrance examination, in which he or she has been allowed additional credits of five percent as herein provided, and has served the full probationary period therein as provided in these Rules, such other additional credits of five percent that have been allowed him or her on the list of eligibles derived from other entrance examinations shall be automatically canceled, and his or her rank on such other list or lists revised to accord with his or her relative standing before such additional credits were added and he or she shall not be allowed such additional credits in any other examinations.

Sec. 11.43 Additional Entitlement for Veterans with Permanent Disability

The Human Resources Director may, for services or employment specified by the Commission, allow general or individual preference, but not more than ten percent, for entrance appointment of veterans who have suffered permanent disability in the line of duty, provided that such disability would not prevent the proper performance of the duties required under such service, or employment, and provided that such disability is of record in the United States Veterans' Administration.

Sec. 11.44 Definition of Time of War

In the administration hereafter of the provisions of this Rule, the expression "time of war" shall include the following periods of time:

- 1) the period of time from the commencement of a war as shown by any declaration of war, of the Congress of the United States, or by any statute or resolution of Congress, a purpose of which is to declare in any manner the existence of a state of war, until the time of termination thereof by any truce, treaty of peace, cessation of hostilities, or otherwise;
- 2) the period of time during which the United States is or has been engaged in active military operations against any foreign power, whether or not war has been formally declared;
- 3) the period of time during which the United States is or has been assisting the United Nations or any nation or nations in accordance with existing treaty obligations, in active military operations against any foreign powers, whether or not war has been formally declared; and
- 4) the period of time during which the United States is engaged in a campaign or expedition in which a medal has been authorized by the government of the United States; provided, however, that no person shall be eligible for the benefits provided for veterans in this Rule unless the person is eligible to receive such a medal.

Rule 12

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: The provisions of Article I, Rule 12, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article II: Eligible Lists and Eligibility

Applicability: The provisions of Article II, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Protest of Tentative Eligible List

Applicability: The provisions of Article III, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article IV: Duration of Eligible Lists

Applicability: The provisions of Article IV, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article V: Holdover Rosters and Return to Duty

Applicability: Unless otherwise noted, the provisions of Article V, Rule 12, apply to employees in all classes.

Rule 12

Eligible Lists

Article I: Administration of Eligible Lists

Applicability: The provisions of Article I, Rule 12, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.1 **Types of Eligible Lists**

The names of candidates passing all phases of an examination shall be placed on one of the following types of eligible lists in the order of total score. Eligibles with tie scores shall be listed in alphabetical order. Eligibles on lists governed by the Rule of the List shall be listed in alphabetical order and without reference to score.

12.1.1 **Discrete Eligible Lists**

Discrete eligible lists are lists derived from examinations which are open for filing for a specific time period and in which the selection procedure is administered on a specific date or dates.

12.1.2 **Continuous Eligible Lists**

A continuous eligible list may be used for a class after the Human Resources Director has designated the class as a "continuous list class." Each time an examination for such a class is given, the names of the eligibles resulting from the examination shall be added to the existing eligible list, ranked by the eligible's score on the examination taken. For eligibles with the same score, names shall be listed alphabetically.

12.1.3 **Duration of Eligibility on Continuous Lists**

Each examination announcement for a continuous list class shall state the time period during which the names of eligibles successfully passing the examination will remain on the continuous list. This time period will be referred to as the "eligibility period." An eligible's name shall be removed from a continuous list at the end of the eligibility period.

Applicability: The provisions of Article I, Rule 12, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.2 Duration of Eligible Lists and of Eligibility

12.2.1 Duration of Discrete Eligible List

For discrete eligible lists, the eligible list shall state the duration of the list with the minimum duration being six months and the maximum 24 months.

12.2.2 Duration of Eligibility - Continuous Eligible Lists

For continuous eligible lists, the examination announcement shall specify the duration of eligibility with the minimum period of eligibility being six months and the maximum being 12 months.

12.2.3 Establishment of Duration of Eligible Lists

In establishing duration of an eligible list or duration of eligibility, the Human Resources Director shall consider, among other factors, the size of the applicant pool, the number of positions in the class, the rate of turnover, and affirmative action goals.

12.2.4 Expiration of Eligible Lists and Eligibility

If the expiration date of an eligible list or eligibility period falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.

Sec. 12.3 Extension of Eligibility

The Human Resources Director may extend an eligible list or eligibility period for up to one additional year. Eligibles shall be notified of the extension and any change in the expiration of their eligibility.

Sec. 12.4 Cancellation of Eligibility

The Human Resources Director may cancel an eligible list after the minimum duration of six months. In canceling an eligible list, the Human Resources Director shall consider, among other factors, the number of eligibles remaining, the length of time since the selection procedures were administered, affirmative action goals, and labor market availability. Eligibles and the recognized employee organization representing the affected class shall be notified.

Applicability: The provisions of Article I, Rule 12, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.5 Merging of Eligible Lists

- 12.5.1** The Human Resources Director may authorize the merging of an earlier list in a class with a later eligible list in the same class.
- 12.5.2** The names of eligibles from the earlier eligible list shall be interpolated with the names of eligibles on the later eligible list by score. Eligibles with the same score shall be listed in alphabetical order.
- 12.5.3** The duration of the merged eligible list shall be established as provided elsewhere in these Rules and eligibles from the earlier eligible list shall have their eligibility extended accordingly.

Sec. 12.6 Priority of Eligible Lists

Except as otherwise provided in these Rules, the order of priority of discrete eligible lists regardless of adoption dates is as follows:

- 1) promotive lists;
- 2) combined promotive and entrance lists; and
- 3) entrance lists.

Within each category earlier discrete eligible lists have priority over later discrete eligible lists.

Sec. 12.7 Posting Period for the Tentative Eligible List

Following the completion of an examination, a tentative eligible list shall be posted for public inspection for a minimum of three business days.

Sec. 12.8 Documents Included in Inspection and Maintenance of Anonymity of Examiners

Inspection during the posting period of the tentative eligible list shall include the eligible's application, documents supporting qualifications to participate in the examination, written answer sheet, oral rating sheet, and other papers needed to verify accuracy of scores. Neither the identity of the examiner giving any mark or grade in an examination nor the questions and answers shall be provided.

Applicability: The provisions of Article I, Rule 12, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.9 Appeal of Tentative Eligible List

The exclusive purpose of inspection during the posting period of the tentative eligible list is to review papers supporting a person's standing on the eligible list. Appeals during this period shall be limited to the qualifications of eligibles and the accuracy of scores. Appeals must be filed in the office of the Department of Human Resources during the inspection period of the eligible list. The Human Resources Director shall rule on all appeals filed during this period. The decision of the Human Resources Director on the appeal shall be final and shall not be reconsidered by the Commission.

Sec. 12.10 Fee for Inspection of Examination Papers

During the inspection period of the eligible list, a fee for the inspection of the papers of each eligible shall be charged. The amount of such fee shall be established by the Commission. The fee shall be waived for eligibles who wish to inspect their own papers.

Sec. 12.11 Adoption of Eligible List

- 12.11.1 If no appeals are received during the posting period, the eligible list shall be automatically adopted. Changes in an eligible list because of clerical or computational errors shall not change the date of adoption of the eligible list.
- 12.11.2 The Human Resources Director may adopt an eligible list pending the resolution of any appeal. Eligibles who are reachable for certification may be certified. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Sec. 12.12 Maintenance of Eligibility

- 12.12.1 Except as otherwise provided in these Rules, eligibles who fail to possess or maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

Applicability: The provisions of Article I, Rule 12, apply to employees in all classes except those represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.12 Maintenance of Eligibility (cont.)

- 12.12.2** Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County Service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.
- 12.12.3** Except for persons designated as "holdovers," eligibles on a promotive only eligible list who are separated from the City and County service shall be removed from such eligible list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible list with promotive credit points and previous rank restored.
- 12.12.4** The Human Resources Director is authorized to remove eligibles from an eligible list in accordance with the conditions specified above.

Sec. 12.13 The Use of Eligible Lists

Except for circumstances beyond the control of the Department of Human Resources, the initial notice of certification to eligibles shall be issued within 30 days from the date of adoption of an eligible list.

Rule 12 Eligible Lists

Article II: Eligible Lists

Applicability: The provisions of Article II, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.14 **Establishment of Eligible Lists**

Qualified participants successfully passing all phases of the examination shall be ranked on an "Eligible List" in the order of their total score.

Sec. 12.15 **Priority of Eligible Lists**

The order of priority of eligible lists regardless of adoption dates is as follows:

- 1) Promotive lists
- 2) Combined promotive and entrance lists
- 3) Entrance lists

Within each category, earlier lists have priority over later lists.

Sec. 12.16 **Maintenance of Eligibility**

- 12.16.1** Except as otherwise provided in these Rules, eligibles who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated will forfeit their eligibility.
- 12.16.2** Except for persons designated as "holdovers," promotive eligibles on a combined promotive and entrance eligible list who are separated from the City and County service shall have all promotive credit points deleted from their final scores in the examination and their ranks on the eligible list shall be reduced accordingly. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, such promotive credit points and the previous rank shall be restored.

Applicability: The provisions of Article II, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Maintenance of Eligibility (cont.)

- 12.16.3** Except for persons designated as "holdovers," eligibles on a promotive only list who are separated from the City and County service shall be removed from such list. If re-employed and if the eligible list has not expired, upon written request and with the approval of the Human Resources Director, the person may be returned to the eligible lists with promotive credit points and previous rank restored.

Sec. 12.17 Official Adoption Date

- 12.17.1** Pending the official adoption of an eligible list, a tentative eligible list shall be posted. Any protests must be filed in the office of the Department of Human Resources during the posting period. After the posting period and in the absence of protests on ratings, tentative eligible lists shall automatically become official as posted.
- 12.17.2** If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond 60 days after the date of posting.
- 12.17.3** Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s), may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.
- 12.17.4** Changes in an eligible list because of clerical errors or re-ratings shall not change the date of adoption of the eligible list.

Sec. 12.18 Duration of Eligibles

- 12.18.1** As provided in these Rules, examination announcements shall state the duration of the eligible list. If the expiration date falls on a Saturday, Sunday or legal holiday, the removal of all names shall be effective at the close of business on the following business day.
- 12.18.2** Prior to abolishing any list, pursuant to the provisions of this Rule, one month notice shall be given to remaining eligibles and the recognized employee organization representing the class affected and eligibles so notified shall be given a final opportunity to accept appointment to positions available.

Applicability: The provisions of Article II, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.19 **Use of Eligible Lists**

The initial notice of certification to eligibles shall be issued within 30 days from the date of adoption of the eligible list.

Rule 12

Eligible Lists

Article III: Protest of Tentative Eligible List

Applicability: The provisions of Article III, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.20 **Posting of Tentative Eligible List**

Following the completion of any examination, a tentative eligible list shall be posted for the inspection of the public and of participants.

Sec. 12.21 **Duration of Posting Period**

The posting period shall be for a minimum of:

- 1) three working days for entrance examinations; or
- 2) five working days for promotional or combined entrance and promotional examinations.

Sec. 12.22 **Fee for Inspection of Examination Papers**

During this period, a fee for the inspection of the papers of each eligible shall be charged by the Human Resources Director. The amount of such fee shall be established by ordinance of the Board of Supervisors. The fee shall be waived for eligibles who wish to inspect their own papers.

Sec. 12.23 **Documents Included in Inspection and Maintenance of Anonymity of Examiners**

Inspection of papers shall include all documents supporting the eligible's rank and score, except neither the identity of the examiner giving any mark or grade in an oral examination nor the questions and answers on any continuous or standardized entrance or concurrent entrance and promotive written test, shall be provided.

Applicability: The provisions of Article III, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.24 **Inspection Restricted to Examination Participants**

Only participants in the examination may review the questions used in the examination.

Sec. 12.25 **Automatic Adoption of Tentative List**

If no protests are received during the posting period the eligible list is automatically adopted.

Sec. 12.26 **Disposition of Protests**

If protests are received during the posting period, the investigation and action of the Human Resources Director shall be expedited so that final adoption of the eligible list is not delayed beyond 60 days after the date of posting.

Sec. 12.27 **Effect on Eligibles Pending Resolution of Protest**

Eligibles who, as a result of their ranking, would receive a notice of appointment regardless of the outcome of the protest(s) may be offered employment from adopted lists pending the resolution of any protest(s) and amendment to the adopted eligible list.

Rule 12 Eligible Lists

Article IV: Duration of Eligible Lists

Incorporating Charter Section 8.330 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

Applicability: The provisions of Article IV, Rule 12, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 12.28 **Tenure of Eligible Lists**

The Human Resources Director may remove all names from the eligible lists after they have remained thereon for more than two years and all names thereon shall be removed at the expiration of four years.

Sec. 12.29 **Provision for Automatic Expiration of Eligible Lists**

The Human Resources Director may provide in the examination announcement that the eligible lists secured thereby shall automatically expire at a date not less than two or more than four years after the adoption of such list.

Rule 12
Eligible Lists
Article V: Holdover Rosters and Return to Duty

Applicability: Unless otherwise noted, the provisions of Article V, Rule 12, apply to employees in all classes.

Sec. 12.30 **Holdover Status and Return to Duty**

12.30.1 **Holdover Roster - General Requirements**

- 1) Subject to the provisions of this Rule, permanent or probationary civil service appointees who are laid off or placed on an involuntary leave of absence shall be designated as holdovers.
- 2) The names of holdovers shall be ranked on a holdover roster for the class or classes from which layoff occurs and in the order of total seniority in the class in the City and County service. Seniority prior to resignation or termination shall not be used in determining holdover rights in a class.
- 3) Holdovers shall be returned to duty in rank order from holdover rosters.
- 4) Holdovers shall, for a period of five years from the date of layoff, have preference for appointment over eligibles on civil service lists, or employees requesting transfer, reinstatement, or reappointment. The Human Resources Director, upon review of all the circumstances, may extend the holdover status for such specified period of time as he/she may deem proper.
- 5) Holdover rosters shall be canvassed in the following order: first, permanent holdover rosters; then, temporary holdover rosters.
- 6) Permanent holdovers shall be returned to duty in temporary positions before temporary holdovers. Permanent holdovers shall displace any temporary or part-time exempt appointee in the same class in any City and County department. Permanent holdovers returned to duty in temporary positions shall retain their status on the permanent holdover roster. In the event of a displacement, the least senior temporary or part-time exempt appointee in the City and County service shall be laid off first.
- 7) Permanent holdovers in classes with citywide seniority for layoff purposes shall be entitled to displace only the least senior permanent employee in that class in City service. Holdovers who waive such appointment shall remain on the holdover list for subsequent permanent appointment to vacant positions, but may accept a temporary position in the class, if available.

Applicability: Unless otherwise noted, the provisions of Article V, Rule 12, apply to employees in all classes.

Sec. 12.30 **Holdover Status and Return to Duty (cont.)**

12.30.1 **Holdover Roster - General Requirements (cont.)**

8) Exceptions to Return to Duty in Rank Order

If two or more approved requisitions are on file, the Human Resources Director may permit holdovers in line for appointment, and in accordance with their standing on the roster, to select from the available requisitions the positions to which they desire appointment. In cases where holdovers on rosters who would be reached for appointment on requisitions, the Human Resources Director may consult with appointing officers and employees involved, and if it is in the best interest of the service, may offer out said positions to holdovers so as to make it possible for them to return to duty in the department from which laid off.

9) Holdovers who are notified that they are being returned to duty are required to respond to the Department of Human Resources within five business days of the date of notification. The Human Resources Director may extend the time response period beyond five business days. Failure of a holdover to respond within the time limits shall be considered a refusal of the offer and shall be subject to the penalty, if any, provided in this Rule.

10) Except as otherwise provided in these Rules, holdovers who fail to possess and maintain the qualifications required by law and by the terms of the examination announcement under which they participated shall forfeit their eligibility.

11) In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the post office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to notice of return to duty within time limits.

12) Except as otherwise directed by the Human Resources Director, holdovers being returned to duty shall not be required to pass a new medical examination.

13) A properly completed copy of the designated report of layoff or involuntary leave of absence form shall be forwarded to the Department of Human Resources as soon as possible (in advance of the action if possible) so that the Department of Human Resources may record the action and place the employee's name on a holdover roster for immediate consideration for return to duty.

Applicability: Unless otherwise noted, the provisions of Article V, Rule 12, apply to employees in all classes.

Sec. 12.30 **Holdover Status and Return to Duty (cont.)**

12.30.1 **Holdover Roster - General Requirements (cont.)**

14) Late reports of layoff shall not interfere with nor affect the rights of holdovers to whom notices of return to duty have already been mailed and who have been or may be returned to duty in response to such notices except as follows: A holdover with more than five years of seniority in a class shall displace any appointee or any holdover who has been returned to duty who has less than five years of seniority in the same class.

15) If there is no holdover roster for a class or if the holdover roster is exhausted, the Human Resources Director may authorize that a holdover be returned to duty from another holdover roster deemed suitable to temporarily provide the required service. If no other roster is available, the position shall be offered to eligibles on regular civil service eligible lists or to individuals requesting transfer, reinstatement or reappointment.

16) Holdovers returned to duty shall be reinstated with accrued compensatory time, if any, and with their original anniversary date for the purposes of computing sick leave and vacation benefits.

12.30.2 **Holdover - Temporary Appointees**

1) Appointees certified from an eligible list who have satisfactorily served under temporary appointment shall upon expiration of the list be designated a "temporary holdover."

2) Resignation from temporary appointment from a holdover roster or refusal of temporary appointment from a holdover roster cancels all temporary holdover rights in that class.

12.30.3 **Holdover - Permanent and Probationary Appointees**

1) A permanent or probationary appointee to a promotional or entrance position who is laid off shall be designated a "permanent holdover" and shall be returned to duty in a position in the class from which laid off from a holdover roster as provided in this Rule.

2) A permanent holdover returned to duty on a permanent basis in a department other than the one from which laid off shall serve a new probationary period.

Applicability: Unless otherwise noted, the provisions of Article V, Rule 12, apply to employees in all classes.

Sec. 12.30 **Holdover Status and Return to Duty (cont.)**

12.30.3 **Holdover - Permanent and Probationary Appointees (cont.)**

3) Return to duty of a permanent holdover to a position in the class from which laid off shall be subject to the following conditions:

4) Return to Duty - Department From Which Laid Off

Permanent Vacancy - A permanent holdover who refuses an offer to return to duty on a permanent basis in the department from which laid off shall forfeit all holdover rights in that class, and shall be removed from all rosters for that class. Such refusal of return to duty shall be deemed a resignation.

Temporary Vacancy - Permanent holdovers may refuse an offer to return to duty on a temporary basis in the department from which laid off without affecting future offers to be returned to duty. Waiver of temporary appointment shall not be removed without the permission of the Human Resources Director.

5) Return to Duty - Department Other Than the One From Which Laid Off

Permanent holdovers may refuse an offer to return to duty on a permanent or temporary basis in a department other than the department from which laid off without affecting future offers to be returned to duty. Such departmental waivers shall not be withdrawn without the approval of the Human Resources Director.

6) A permanent holdover who was laid off during the probationary period and who is returned to duty in the department from which laid off shall complete the remaining period of probationary service.

7) Transferees who are laid off during the probationary period shall be ranked on the permanent holdover roster for the class in accordance with their seniority in the class in the City and County service.

8) Permanent holdovers who resign or are terminated during the probationary period may be returned to the holdover roster from which appointed subject to the provisions of these Rules. Such holdovers shall not displace any current permanent or probationary employees, but shall remain on the list for subsequent permanent appointment to vacant positions and may accept a temporary position in the class, if available.

Rule 13

Certification of Eligibles

Article I: Personnel Requisitions

Applicability: Unless otherwise noted, the provisions of Article I, Rule 13, apply to employees in all classes.

Article II: Certification Rules for Employees Covered by Article II

Applicability: The provisions of Article II, Rule 13, apply to employees in all classes represented by Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers, except for employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21 who are covered by Article III; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Certification Rules for Employees Covered by Article III

Applicability: The provisions of Article III apply to all unrepresented classes and to classes represented by all employee organizations except Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798; provided, however, that employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21, are covered by the provisions of Article III. Article VI of this Rule contains a list of classes for which the Rule of Three Scores shall be used exclusively.

Article IV: Selective Certification of Certified Temporary Employees

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 13, apply to employees in all classes.

Article V: Administration of Certifications

Applicability: Unless otherwise noted, the provisions of Article V, Rule 13, apply to employees in all classes.

Article VI: Classes for Which the Rule of Three Scores is Used Exclusively

Applicability: Article VI, Rule 13, applies only to employees in the classes enumerated in this Article.

Rule 13

Certification of Eligibles

Article I: Personnel Requisitions

Applicability: Unless otherwise noted, the provisions of Article I, Rule 13, apply to employees in all classes.

Sec. 13.1 Personnel Requisitions

13.1.1 Requirement for Personnel Requisitions

Whenever a position is to be filled, the appointing officer shall issue a personnel requisition on the prescribed form. Fully approved personnel requisitions shall immediately be time stamped in the order of receipt in the Department of Human Resources.

13.1.2 Separate or Group Personnel Requisitions

A separate personnel requisition shall be made for each permanent position to be filled. Group personnel requisitions may only be made for temporary positions.

13.1.3 Cancellation of Personnel Requisitions

Upon written request by the appointing officer indicating good cause, cancellation of a personnel requisition may be allowed by the Human Resources Director.

13.1.4 Priority of Personnel Requisitions

Except as otherwise provided in these Rules, certification shall be made in accordance with priority of approval of the personnel requisition in the Department of Human Resources or the date to report to duty, whichever is later.

13.1.5 Tenure of Temporary Appointments

1) Temporary employments may be personnel requisitioned for a period not to exceed 12 months.

2) Original personnel requisitions for less than 12 months may be extended from the date of appointment but may not exceed the maximum allowable personnel requisition time. Upon completion of the allowable maximum time, the temporary appointment(s) may be extended when funds are available and when the employee continues to have standing on an eligible list for that class.

Applicability: Unless otherwise noted, the provisions of Article I, Rule 13, apply to employees in all classes.

Sec. 13.1 **Personnel Requisitions (cont.)**

13.1.5 **Tenure of Temporary Appointments (cont.)**

3) Beginning on the effective date of this Rule, the Department of Human Resources shall keep records of the number of temporary employments extended as provided in this Rule. On July 30, 1977, and each July 30 thereafter, a list of extended temporary employments for the past fiscal year shall be made available for public inspection.

13.1.6 **Flexible Staffing Personnel Requisitions**

A personnel requisition for a permanent vacancy filled by an appointee in accordance with the flexible staffing authority of the Salary Ordinance shall also be valid for subsequent certification for appointment of the same eligible, when qualified, to the class designated on the personnel requisition.

Rule 13

Certification of Eligibles

Article II: Certification Rules for Employees Covered by Article II

Applicability: The provisions of Article II, Rule 13, apply to employees in all classes represented by Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers, except for employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21 who are covered by Article III; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 13.2 Certification of Eligibles - Employees Covered by Article II

13.2.1 Rule of One

- 1) The name of the highest available eligible shall be certified to the appointing officer for each position to be filled from eligible lists from which these Rules or other law requires Rule of One certifications.
- 2) If two or more approved personnel requisitions are on file, the Human Resources Director may permit eligibles in line for appointment and in accordance with their standing on the list to select from among the available personnel requisitions the positions to which they desire appointment.
- 3) In cases where eligibles on lists who would be reached for appointment on personnel requisitions are at that time employed in the City and County Service, the Human Resources Director may consult with appointing officers and employees involved; and if it is in the best interests of the service, may offer out said positions as to make it possible for the continued employment of such eligibles in their current departments.

13.2.2 Rule of Three Scores

- 1) Except as provided above, the Department of Human Resources shall certify to the appointing officer the names of eligibles with the three highest scores on the list of eligibles for the position who are available for appointment.

Applicability: The provisions of Article III apply to all unrepresented classes and to classes represented by all employee organizations except Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798; provided, however, that employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21, are covered by the provisions of Article III. Article VI of this Rule contains a list of classes for which the Rule of Three Scores shall be used exclusively.

Sec. 13.3 Certification of Eligibles - Employees Covered by Article III

Sec. 13.3.1 (cont.)

3) The Human Resources Director shall monitor certifications and selections for opportunities and successes in achieving affirmative action goals. The Human Resources Director shall compile and report to the Civil Service Commission on a quarterly basis the performance of each department and the effect of various Certification Rules. The first such report shall be presented to the Civil Service Commission at its first meeting in March 1994 and shall cover the period commencing November 1, 1993 and concluding on January 31, 1994.

4) The Civil Service Commission may direct the Human Resources Director to investigate selections made by departments and if it is determined that selections were not made in compliance with equal employment opportunity or affirmative action guidelines, the Human Resources Director may recommend and the Civil Service Commission may effect remedial actions.

5) The Human Resources Director may direct that all future certifications and appointments to departments determined to be out of compliance be subject to the review of the Equal Employment Opportunity and Affirmative Action Division and approval of the Human Resources Director. Departments found having made selections without regard to equal employment opportunity or consideration of affirmative action goals shall be reported to the Civil Service Commission, the Mayor, and Board of Supervisors.

6) In compliance with Charter Section 8.329, an annual report of certification activity shall be compiled by the Human Resources Director and forwarded to the Commission, the Mayor and to the Board of Supervisors for review of each department's performance in meeting its equal employment opportunity obligations and affirmative action goals. The first such report shall be submitted by December 1, 1994 and shall cover the period commencing November 1, 1993 and concluding on October 31, 1994.

Applicability: The provisions of Article III apply to all unrepresented classes and to classes represented by all employee organizations except Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798; provided, however, that employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21, are covered by the provisions of Article III. Article VI of this Rule contains a list of classes for which the Rule of Three Scores shall be used exclusively.

Sec. 13.3 Certification of Eligibles - Employees Covered by Article III

13.3.2 Rule of One

- 1) The name of the highest available eligible shall be certified to the appointing officer for each position to be filled from eligible lists from which these Rules or other law requires Rule of One certifications.
- 2) If two or more approved personnel requisitions are on file, the Human Resources Director may permit eligibles in line for appointment and in accordance with their standing on the list to select from among the available personnel requisitions the position to which they desire appointment.
- 3) In cases where eligibles on lists who would be reached for appointment on personnel requisitions are at that time employed in the City and County service, the Human Resources Director may consult with appointing officers and employees involved; and if it is in the best interests of the service, may offer out said positions as to make it possible for the continued employment of such eligibles in their current departments.

13.3.3 Rule of Three or More Scores

1) Definition

The names of all eligibles standing at a specified number of scores with a minimum of at least those eligibles with three scores shall be certified to each available position.

2) When More Than One Position Available

Except as may otherwise be provided, when there are two or more approved personnel requisitions on file for the same class, the number of scores certified shall be equal to the number of positions to be filled plus the number of scores in the Certification Rule applicable to the eligible list being certified minus one.

Applicability: The provisions of Article III apply to all unrepresented classes and to classes represented by all employee organizations except Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798; provided, however, that employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21, are covered by the provisions of Article III. Article VI of this Rule contains a list of classes for which the Rule of Three Scores shall be used exclusively.

Sec. 13.3 Certification of Eligibles - Employees Covered by Article III (cont.)

13.3.3 Rule of Three or More Scores (cont.)

3) When Eligible List Exhausted

An eligible list adopted under the Rule of Three or More Scores shall in all cases be exhausted when there are less than three scores available. Use of the eligible list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

4) Supplementary Certification

If all eligibles at a score waive appointment or fail to respond within the time limits provided in these Rules, the appointing officer may request supplementary certification(s) from the next highest score(s).

13.3.4 Rule of the List

1) Definition

The names of all eligibles on the eligible list shall be certified to each available position.

2) When Eligible List is Exhausted

An eligible list adopted under the Rule of the List shall be exhausted when there are less than one third of the number of eligibles on the original list still available provided, however, if the original list had nine or fewer eligibles, at least three eligibles must be available; for original lists with 45 or more names, at least 15 eligibles must be available. In the event that application of the one-third formula specified above results in a fraction, the next highest number shall be used. Use of the list when there is less than the minimum certification available shall be at the discretion of the appointing officer.

Applicability: The provisions of Article III apply to all unrepresented classes and to classes represented by all employee organizations except Service Employee International Union (SEIU) - Locals 250, 535 and 790; Transport Workers Union (TWU) - Locals 200 and 250A; Local 21 - International Federation of Professional and Technical Engineers; and to members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798; provided, however, that employees in classes belonging to the San Francisco Association of Personnel Professionals (SFAPP) - Local 21, are covered by the provisions of Article III. Article VI of this Rule contains a list of classes for which the Rule of Three Scores shall be used exclusively.

Sec. 13.3 Certification of Eligibles - Employees Covered by Article III (cont.)

13.3.5 Establishment of Certification Rule

- 1)** The Human Resources Director shall establish the Certification Rule for each class by specifying the certification rule to be used to administer the eligible list in the first examination announcement for the class after the adoption of this section.
- 2)** Once established, the Certification Rule shall be used to administer all future eligible lists in the class unless otherwise ordered by the Human Resources Director.
- 3)** In establishing the Certification Rule, the Human Resources Director may consult with appointing officers, representatives of employee organizations and other pertinent parties.

Rule 13

Certification of Eligibles

Article IV: Selective Certification of Certified Temporary Employees

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 13, apply to employees in all classes.

13.3.6 Selective Certification of Certified Temporary Employees

1) With the exception of the uniformed ranks of the Police and Fire Departments, notwithstanding anything to the contrary in this or any other section of these Rules, an employee who has been appointed from a regularly adopted eligible list to a non-permanent position shall be entitled to appointment to a permanent position within the same class before the certification of persons standing higher on the list of eligibles subject to a period of six months of service in the class or for the period provided for in the examination announcement in any status and certification by the appointing officer(s) of satisfactory job performance for the period of the required service on the form and in the manner prescribed by the Human Resources Director.

2) The Human Resources Director is authorized to take such administrative action not in conflict with these Rules as is required to make this section operative including imposition and removal of waivers.

Rule 13

Certification of Eligibles

Article V: Administration of Certifications

Applicability: Unless otherwise noted, the provisions of Article V, Rule 13, apply to employees in all classes.

Sec. 13.4 **Response Period**

13.4.1 **Notice of Inquiry**

- 1) Eligibles are required to respond in writing to the Department of Human Resources within five business days of the date of such notice.
- 2) The Human Resources Director may authorize that eligibles be polled by telephone, provided however that eligibles who cannot be reached by telephone shall not be penalized or adversely affected in any way.

13.4.2 **Notice of Certification**

- 1) Eligibles are required to respond to the appointing officer or designated representative within five business days after the date of such Notice.
- 2) Eligibles are required to notify the Department of Human Resources as to their certification status within seven business days after the date of the Notice of Certification.
- 3) Departments are required to notify the Department of Human Resources of the results of a certification within 20 business days after the date of the Notice of Certification.

13.4.3 **Extensions**

Response period time limits may be extended by the Human Resources Director.

Sec. 13.5 **Effect of Failure to Respond**

- 13.5.1 An eligible who fails to respond within the time limits provided shall be placed under general waiver on the eligible list until such time as the waiver is withdrawn in accordance with these Rules.
- 13.5.2 Except if the Human Resources Director determines that unusual circumstances exist which would create an undue hardship, a department that fails to respond within the time limits provided may be required to present the reasons for the delay to the Commission.

Applicability: Unless otherwise noted, the provisions of Article V, Rule 13, apply to employees in all classes.

Sec. 13.6 Waivers

13.6.1 General Waivers

An eligible may be placed on an inactive status under general waiver of certification on an eligible list as follows:

- 1) At the eligible's written request. Such waivers shall be effective on the next business day.
- 2) For failure to respond to a Notice of Certification or Inquiry within the prescribed time limits.
- 3) For failure to notify the Department of Human Resources as to the eligible's status within seven days following certification.
- 4) A person appointed to a permanent position shall be under general waiver for all appointments on all eligible lists for the same class. A person appointed to a temporary position shall be under general waiver for temporary appointment on all eligible lists for the same class. Such waiver may not be withdrawn unless ordered by the Human Resources Director.
- 5) For reasons prescribed elsewhere in these Rules.
- 6) An eligible under general waiver shall not be certified to any position on the eligible list until the eligible notifies the Department of Human Resources to withdraw such waiver in writing as prescribed in these Rules. General waivers imposed by the Commission or Human Resources Director may not be removed unless ordered by the Civil Service Commission or Human Resources Director.

13.6.2 Waiver of Part-Time Employment

Any part-time position may be declared by the Human Resources Director to be under conditional waiver and eligibles may then waive certification without penalty for appointment to a full-time position. An eligible who accepts such appointment shall retain eligibility for appointment to a full-time position.

13.6.3 Conditional Waivers

Except as provided by the examination announcement, waiver of certification to positions with unusual employment circumstances or special conditions of employment may be imposed by:

Applicability: Unless otherwise noted, the provisions of Article V, Rule 13, apply to employees in all classes.

Sec. 13.6 **Waivers (cont.)**

13.6.3 **Conditional Waivers (cont.)**

- 1) the eligible to be effective the next business day;
- 2) the Civil Service Commission; or
- 3) the Human Resources Director.

Conditional waivers on an eligible list imposed by the eligible shall remain in force until withdrawn in accordance with these Rules.

13.6.3 **Effects of Waivers**

- 1) A general or conditional waiver of certification by an eligible having standing on more than one list in the same class shall apply to any existing list for the same class.
- 2) An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these Rules.
- 3) Unless otherwise provided in the examination announcement, eligibles may refuse consideration for temporary or permanent appointment from two Notices of Certification. Refusal of consideration from the third Notice of Certification shall result in the removal of the eligible's name from that eligible list and all other lists in that class. The non-selection by the department of an available eligible shall not be recorded as a refusal.
- 4) Unless otherwise ordered by the Human Resources Director if one Notice of Certification is issued for more than one department or position and the eligible refuses a position not previously waived, a refusal shall be recorded against the eligible's name on the list.

13.6.4 **Withdrawal of Waivers**

- 1) Withdrawal of general or conditional waivers imposed by the eligible must be filed in writing with the Department of Human Resources.
- 2) Such requests must be received in Department of Human Resources offices before the close of business on the third Friday of the month to be effective the first business day of the following month. In the event the third Friday is a legal holiday, such requests must be received by the close of business on the next business day.

Applicability: Unless otherwise noted, the provisions of Article V, Rule 13 apply to employees in all classes.

Sec. 13.6 **Waivers (cont.)**

13.6.4 **Withdrawal of Waivers (cont.)**

3) Withdrawal of waivers which have been imposed by the Commission or the Human Resources Director may be authorized at any time and become effective the first business day of the following month unless specifically ordered otherwise.

4) Withdrawal of waivers shall not interfere with nor affect the rights of eligibles next in line for certification to whom Notices of Certification have already been mailed and who have been or may be appointed in response to such notices.

5) Immediate withdrawal of waiver may be authorized by the Human Resources Director, if it is determined that such immediate withdrawal of waiver is in the best interests of the Service.

Sec. 13.7 **Change of Address**

In all cases of change of address, the Department of Human Resources must be notified in writing separately for each class involved. Notice of change of address to the post office and/or the employee's current department only shall not be a reasonable excuse for special consideration in case of failure to respond to any notice within time limits.

Rule 13

Certification of Eligibles

Article VI: Classes for which the Rule of Three Scores is Used Exclusively

Applicability: Article VI, Rule 13, applies only to employees in the classes enumerated in this Article.

Sec. 13.8 Rule of Three Scores Classes

The Rule of Three Scores shall be used exclusively for the following classes:

Class

No. Title

1466	Meter Reader
3402	Farmer
3417	Gardener
3418	Gardener Assistant Supervisor
3419	Municipal Stadiums Groundskeeper
3422	Park Section Supervisor
3424	Pest Control Specialist
3428	Nursery Specialist
3430	Chief Nursery Specialist
3432	Assistant Director, Arboretum
3434	Tree Topper
3436	Tree Topper Supervisor I
3440	Landscaping and Street Planting Supervisor
6235	Heat and Ventilation Inspector
6236	Boiler Inspector
6238	Senior Boiler Inspector
6242	Plumbing Inspector
6244	Chief Plumbing Inspector
6248	Electrical Inspector
6249	Senior Electrical Inspector
6250	Chief Electrical Inspector
6252	Line Inspector
7110	Mobile Equipment Assistant Supervisor
7126	Mechanical Shop and Equipment Superintendent
7134	Water Construction and Maintenance Superintendent
7136	Water Shops and Equipment Superintendent
7203	Building and Grounds Maintenance Supervisor
7204	Chief Water Service Inspector
7205	Chief Stationary Engineer
7210	Mobile Equipment Supervisor
7213	Plumber Supervisor I
7214	Electrical Transit Equipment Supervisor
7215	General Laborer Supervisor I

Applicability: Article VI, Rule 13, applies only to employees in the classes enumerated in this Article.

Sec. 13.8 **Rule of Three Scores Classes (cont.)**

Class No.	Title
7216	Electrical Transit Shop Supervisor I
7220	Asphalt Finisher Supervisor I
7221	Asphalt Plant Supervisor I
7223	Cable Machinery Supervisor
7224	Car and Auto Painter Supervisor I
7225	Transit Paint Shop Supervisor I
7226	Carpenter Supervisor I
7228	Automotive Transit Shop Supervisor I
7229	Transmission Line Supervisor I
7230	Fire Department Water System Supervisor
7232	Hech Hetchy Mechanical Shop Supervisor
7233	Glazier Supervisor I
7234	Transportation Equipment Shop Supervisor
7235	Transit Power Line Supervisor I
7236	Locksmith Supervisor I
7238	Electrician Supervisor I
7239	Plumber Supervisor II
7240	Water Meter Shop Supervisor I
7241	Senior Maintenance Controller
7242	Painter Supervisor I
7244	Power Plant Supervisor I
7246	Sewer Repair Supervisor II
7247	Sheet Metal Worker Supervisor II
7248	Steamfitter Supervisor II
7249	Automotive Mechanic Supervisor I
7250	Utility Plumber Supervisor I
7252	Chief Stationary Engineer, Sewage Plant
7253	Electrical Transit Mechanic Supervisor I
7254	Automotive Machinist Supervisor I
7255	Power House Electrician Supervisor I
7256	Electric Motor Repair Supervisor I
7257	Communication Line Supervisor I
7258	Maintenance Machinist Supervisor I
7262	Maintenance Planner
7264	Auto Body and Fender Worker Supervisor I
7272	Carpenter Supervisor II
7273	Communication Line Worker Supervisor II
7274	Transit Power Line Worker Supervisor II
7275	Cable Splicer Supervisor I
7276	Electrician Supervisor II
7277	City Shops Assistant Superintendent
7278	Painter Supervisor II
7279	Powerhouse Electrician Supervisor II
7281	Street Cleaning Supervisor II
7284	Utility Plumber Supervisor II
7285	Transmission Line Worker Supervisor II

Applicability: Article VI, Rule 13, applies only to employees in the classes enumerated in this Article.

Sec. 13.8 **Rule of Three Scores Classes (cont.)**

Class	Title
7286	Wire Rope Cable Maintenance Supervisor
7287	Supervising Electronic Maint. Technician
7305	Blacksmith
7306	Automotive Body and Fender Worker
7307	Bricklayer
7308	Cable Splicer
7309	Car and Auto Painter
7311	Cement Mason
7313	Automotive Machinist
7315	Automotive Machinist Assistant Supervisor
7316	Water Service Inspector
7317	Senior Water Service Inspector
7318	Electronic Maintenance Technician
7319	Electric Motor Repairer
7322	Auto Body and Fender Worker Assistant Supervisor
7323	Fire Department Water System Assistant Supervisor
7325	General Utility Mechanic
7326	Glazier
7328	Operating Engineer, Universal
7329	Electronics Maintenance Tech. Asst. Supv.
7330	Senior General Utility Mechanic
7331	Apprentice Maintenance Machinist
7332	Maintenance Machinist
7333	Apprentice Stationary Engineer
7334	Stationary Engineer
7335	Senior Stationary Engineer
7338	Electrical Line Worker
7340	Maintenance Controller
7342	Locksmith
7344	Carpenter
7345	Electrician
7346	Painter
7347	Plumber
7348	Steamfitter
7349	Steamfitter Assistant Supervisor
7353	Water Meter Repairer
7360	Pipe Welder
7363	Powerhouse Electrician
7364	Powerhouse Operator
7365	Senior Powerhouse Operator
7370	Rigger
7372	Stationary Engineer, Sewage Plant
7373	Senior Stationary Engineer, Sewage Plant
7375	Apprentice Stationary Engr., Sewage Plant
7376	Sheet Metal Worker
7379	Electrical Transit Mechanic

Applicability: Article VI, Rule 13, applies only to employees in the classes enumerated in this Article.

Sec. 13.8 **Rule of Three Scores Classes (cont.)**

Class No.	Title
7380	Electrical Transit Mechanic Asst. Supv.
7381	Automotive Mechanic
7382	Automotive Mechanic Assistant Supervisor
7386	Utility Plumber Assistant Supervisor
7387	Upholsterer
7388	Utility Plumber
7390	Welder
7395	Ornamental Iron Worker
7404	Asphalt Finisher
7408	Assistant Power House Operator
7409	Electrical Transit Service Worker
7420	Bridgetender
7421	Sewer Maintenance Worker
7424	Dryer-Mixer Operator
7428	Hodcarrier
7430	Asst. Electronic Maintenance Technician
7432	Electrical Line Helper
7434	Maintenance Machinist Helper
7449	Sewer Service Worker
7458	Switch Repairer
7463	Utility Plumber Apprentice
7472	Wire Rope Cable Maintenance Mechanic
7473	Wire Rope Cable Maint. Mech. Trainee
7502	Asphalt Worker
7510	Lighting Fixture Maintenance Worker
7514	General Laborer
7540	Track Maintenance Worker
8304	Deputy Sheriff
8306	Senior Deputy Sheriff
8308	Sheriff's Sergeant
8310	Sheriff's Lieutenant
8312	Sheriff's Captain
9240	Airport Electrician
9241	Airport Electrician Supervisor
9242	Head Airport Electrician
9330	Pile Worker
9331	Piledriver Engine Operator
9332	Piledriver Supervisor I
9334	Deckhand, Tugs and Dredges
9337	Diesel Tugboat Operator
9342	Ornamental Iron Worker Supervisor I
9343	Roofer
9344	Roofer Supervisor I
9345	Sheet Metal Supervisor I
9358	Crane Mechanic Supervisor
9360	Construction and Maintenance Supervisor II, Port

Rule 14

Appointments

Article I: General Provisions

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Article II: Limited Tenure Appointments

Applicability: The provisions of Article II, Rule 14, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Temporary and Emergency Appointments

Applicability: The provisions of Article III, Rule 14, apply only to employees in classes represented by the Transport Workers Union, Locals 200 and 250A; and the members of the uniformed ranks of the S. F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article IV: Appointment by Reinstatement

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 14, apply to employees in all classes.

Article V: Reappointment

Applicability: Unless otherwise noted, the provisions of Article V, Rule 14, apply to employees in all classes.

Article VI: Appointment by Transfer

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Article VII: Employment in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I

Applicability: The provisions of Article IV, Rule 14, apply only to employees in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I.

Rule 14

Appointments

Article I: General Provisions

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec. 14.1 **Appointment - General Provisions**

14.1.1 **Report of Appointment**

Except with the permission of the Human Resources Director, all appointments shall be reported by the appointing officer to the Department of Human Resources on the prescribed form prior to the appointee's starting date of employment.

14.1.2 **Validation of Appointment**

No appointee may begin working except with permission of the Human Resources Director until the appointing officer has received official notice of validation of appointment from the Department of Human Resources.

14.1.3 **Finality of Appointing Officer's Decision**

Except as otherwise provided in these Rules, ordinances, or the Charter, the decision of the appointing officer in all matters regarding appointment shall be final.

Sec. 14.2 **Permanent Appointment - Definition**

A permanent appointment is an appointment made as a result of certification from an eligible list to a permanent position.

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec. 14.3 Method of Appointment - Permanent Appointment

Permanent appointments shall be made in the following order of priority:

- 14.3.1** by the return to duty of a permanent holdover;
- 14.3.2** by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees;
- 14.3.3** by the appointing officer through use of any one of the following options:
 - 1) advancement of a part-time or school-term employee to full-time status consistent with the requirements found elsewhere in this Rule; or
 - 2) transfer; or
 - 3) from requests for reinstatement other than by the reinstatement of a promotive probationary employee consistent with the provisions in the Reinstatement Rule governing such employees; or
 - 4) by reappointment following resignation; or
 - 5) by certification by the Department of Human Resources of eligibles from a regular list or reemployment register.
- 14.3.4** Exercise of one option will preclude the use of any other method of appointment except as a result of any settlement arising following an appeal or other litigation. Departments may also fill permanent vacancies through internal reassignment of permanent employees consistent with departmental procedures. Such reassignments are not within the jurisdiction of the Civil Service Commission or the Department of Human Resources except as specifically provided elsewhere in these Rules.

Sec. 14.4 Temporary Appointment

- 14.4.1** Temporary appointment shall be one of the following:

- 1) An appointment from an eligible list to a temporary position. Such appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 1040 hours; or

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec 14.4 Temporary Appointment (cont.)

14.4.1 (cont.)

2) An appointment from an eligible list to a temporary position established to perform a special project or investigation. The establishment of such position shall require the express approval of the Human Resources Director. It must be readily foreseeable that the duties and responsibilities and products must be completed by the time limit of a maximum of the hourly equivalent of 260 working days based on the regular daily work schedule of the employee, and in no case may the maximum exceed 2080 hours.

3) When no eligible list exists or no eligible is available on an existing eligible list for a position in the class requisitioned by an appointing officer, and immediate service in the position is required by the appointing officer and another eligible list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the Human Resources Director shall certify for civil service temporary appointment an eligible from such eligible list.

14.4.2 Expiration of Temporary Appointment

1) Upon expiration of the maximum allowable time period or upon expiration of the appointee's temporary position, temporary appointees shall be separated as provided below.

2) Temporary appointees so separated shall be returned to the eligible list from which appointed if such list has not expired.

3) Temporary appointees returned to the eligible list or to the holdover roster shall be immediately available for certification to temporary positions:

- under another appointing officer; or
- to the same appointing officer to another position with the express approval of the Human Resources Director.

In the case of represented classes, the Human Resources Director shall provide prior notification to the appropriate bargaining representative of intention to authorize such immediate certification and shall, upon request, meet and confer concerning the proposed certification.

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec. 14.4 Temporary Appointment (cont.)

14.4.2 Expiration of Temporary Appointment (cont.)

4) For employees represented by the Transport Workers Union, Locals 200 and 250A and for uniformed members of the Police and Fire Departments, temporary appointees, except those appointed from a "near list", whose list has expired shall be ranked on the holdover roster for the class.

14.4.3 Layoff due to lack of work or lack of funds or termination shall be as provided elsewhere in these Rules.

Sec. 14.5 Provisional Appointment

Applicability: *Sec. 14.5 applies to employees in all classes except for employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.*

14.5.1 Provisional appointment shall be an appointment to a permanent or temporary position when there is no available eligible.

1) A provisional appointment is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar year.

2) Except with the express approval of the Human Resources Director, when an eligible list is adopted, all provisional appointments in the affected class shall expire.

14.5.2 Provisional appointments may be extended with the approval of the Human Resources Director for additional periods of time not to exceed, for each extension, the time limitations specified above.

14.5.3 Provisional appointees serve at the discretion of the appointing officer.

14.5.4 Provisional appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to all employees in all classes.

Sec. 14.5 **Provisional Appointment (cont.)**

- 14.5.5** The Human Resources Director shall promulgate policies and procedures for making provisional appointments which shall include provisions that appointments shall be made on the basis of a combination of merit factors, affirmative action and, if promotive, consideration of performance appraisal ratings and seniority.
- 14.5.6** Layoff of provisional appointees due to lack of work, lack of funds or termination shall be as provided elsewhere in these Rules.
- 14.5.7** A civil service appointee who is laid off, terminated or who resigns from a provisional appointment shall return to the appointee's permanent position.
- 14.5.8** A provisional appointee resigning from employment shall complete the prescribed resignation form.
- 14.5.9** Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

Sec. 14.6 **Provisional Appointment - Non-Civil Service Appointment**

Applicability: *Sec. 14.6 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.*

- 14.6.1** Non-Civil Service appointment made under the authority of these Rules shall be an appointment to a permanent or temporary position when either
- 1) there is no available eligible. It is time limited to a maximum duration of the hourly equivalent of 130 working days based on the regular work schedule of the employee; however, in no case may the maximum duration exceed 1040 hours in any class or in any department in a calendar or fiscal year or except with the express approval of the Human Resources Director, 30 days from eligible list adoption, whichever is less; or
 - 2) there is an emergency.
- Such appointment is time limited to a maximum of 240 hours.
- 14.6.2** Non-civil service appointees serve at the discretion of the appointing officer.

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec. 14.6 Provisional Appointment - Non-Civil Service Appointment (cont.)

Applicability: *Sec. 14.6 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.*

14.6.3 Non-civil service appointees shall be separated as provided below at the expiration of the maximum allowable time or upon expiration of the appointee's temporary position.

14.6.4 The Human Resources Director shall promulgate policies and procedures for making non-civil service appointments which include provisions that appointments shall be made on the basis of a combination of merit factors, affirmative action and, if promotive, seniority.

14.6.5 Notification to signatory unions shall be as follows:

Employee organizations signatory to the Letter of Agreement adopted April 4, 1983, shall be notified on a biweekly basis of all non-civil service appointments authorized in the preceding two-week period, together with the duration of such appointments and the reason(s) for such duration. Union representatives of organizations signatory to the aforementioned agreement shall have the right to meet and confer with the Human Resources Director or designee following notification cited hereinabove.

Sec. 14.7 Provisional Appointment - Limited Tenure Appointment

Applicability: *Sec. 14.7 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.*

14.7.1 Limited tenure appointment is an appointment made to a permanent or temporary positions under authority of this Rule is a class for which there is no available eligible.

14.7.2 All limited tenure appointments shall require the express prior approval of the Commission and shall be made pursuant to the stated intent of the Letter of Agreement and Compliance Agreement adopted April 4, 1983, as it pertains to the classes represented by the unions signatory to these Agreements.

14.7.3 Layoff due to lack of work, lack of funds, or termination shall be as provided elsewhere in these Rules.

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec. 14.7 Provisional Appointment - Limited Tenure Appointment (cont.)

Applicability: *Sec. 14.7 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.*

14.7.4 A civil service appointee who is laid off, terminated, or who resigns from a limited tenure appointment shall return to the appointee's permanent position.

14.7.5 A limited tenure appointee resigning from employment shall complete the prescribed resignation form.

14.7.6 Provisional Appointees - No Preference for Permanent Appointment

Applicability: *Sec. 14.7.6 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.*

Provisional appointees shall acquire, by virtue of serving under provisional appointment, no right or preference for permanent appointment.

Sec. 14.8 Advancement from Part-Time or School-Term Position to Full-Time

After one year of continuous permanent satisfactory service in a part-time or school-term only position, the senior appointee in a class in the department may be advanced by the appointing officer to a full-time position. Such advancement from a school-term only position shall not require that a new probationary period be served. Advancement from a part-time position shall require a new probationary period.

Sec. 14.9 Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment

14.9.1 No temporary or provisional appointment shall exceed the maximum allowable duration provided in these Rules, and upon expiration of that period of time, the appointee shall be separated from the position.

14.9.2 The appointee's separation shall be based upon the expiration of the maximum allowable duration or upon expiration of the appointee's temporary position. Such separation shall be without reference to the layoff or termination provisions of these Rules. The appointee shall be notified in writing:

Applicability: Unless otherwise noted, the provisions of Article I, Rule 14, apply to employees in all classes.

Sec. 14.9 Separation of Temporary and Provisional Appointees Upon Expiration of Term of Employment (cont.)

- 1) at the time of appointment as to the duration of such appointment; and
- 2) at least ten working days in advance of the final date.

Rule 14

Appointments

Article II: Limited Tenure Appointments

Incorporating Charter Section 8.331 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

Applicability: The provisions of Article II, Rule 14 apply only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 14.10 Limited Tenure Appointments - When Authorized

When in time of war declared by the Congress of the United States eligibles are not available for appointment from registers established through the regular examination procedure as provided under these Rules, the Human Resources Director may qualify applicants for wartime appointments to positions through informal and non-competitive tests.

Sec. 14.11 Selection of Limited Tenure Appointees

Such tests and appointments resulting therefrom shall be governed solely by the provisions of these Rules and the tests shall be adequate in the judgment of the Human Resources Director to determine the capacity of applicants to perform the duties of the positions to be filled pending creation of lists of eligibles through the regular examination procedure as provided in these Rules.

Sec. 14.12 Definition and Duration of Limited Tenure Appointments

Appointments made under the provisions of this Rule shall be designated "limited tenure appointments" and may continue only until registers of eligibles are established through the regular examination procedure provided elsewhere in these Rules but in no event to exceed six months beyond the cessation of hostilities.

Applicability: The provisions of Article II, Rule 14 apply only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 14.13 Layoff of Limited Tenure Appointees

Limited tenure appointments may be terminated by the appointing officer at any time for lack of work or funds.

Sec. 14.14 Termination of Limited Tenure Appointees

Limited tenure appointments may be terminated by the appointing officer for good cause at any time with the approval of the Human Resources Director without reference to the procedures governing removals set forth in Charter Section 8.341.

Sec. 14.15 Restriction on Rights on Limited Tenure Appointees

Persons serving under limited tenure appointments under this Rule shall by reason of such service acquire no right or preference to permanent civil service status as defined elsewhere in the Charter or by Rule of the Civil Service Commission, which is conferred on persons completing probationary appointments made from lists of eligibles established through the regular examination procedures as provided in these Rules.

Sec. 14.16 Restriction on Credit for Limited Tenure Service - Employees of Municipal Railway

Service after January 1, 1951, under limited tenure appointment, by platform employees of the Municipal Railway, shall not be included in the calculation of service of such employees for the purpose of determining assignments of runs when such assignments are made on the basis of seniority of service.

Sec. 14.17 Non-Civil Service Appointments When No Eligible List

Non-civil service appointments in the absence of civil service eligibles, as provided in these Rules, shall not be authorized if applicants qualified for limited tenure appointments are available.

Sec. 14.18 Department of Human Resources to Maintain Eligible Lists

The Department of Human Resources shall make every effort, consistent with current conditions, to maintain adequate registers of eligibles established through the regular examination procedure as provided in these Rules.

Applicability: The provisions of Article II, Rule 14 apply only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 14.19 Civil Service Commission to Adopt Rules to Govern Limited Tenure Appointments

The Civil Service Commission shall adopt Rules to carry out the provisions of this Rule and to govern the administration of limited tenure appointments.

Sec. 14.20 Additional Authority for Limited Tenure Appointments

- 14.20.1** In time of national emergency declared by the President of the United States or by the Congress or while any act authorizing compulsory military service or training is in effect, the provisions of this Rule may also be made operative upon recommendation of the Civil Service Commission and approval of the Board of Supervisors by ordinance enacted by two thirds vote of the Board.
- 14.20.2** Authority for limited tenure appointments, if established pursuant to the authority of this paragraph, shall cease six months after repeal by the Board of Supervisors of the ordinance which authorized such appointments.

Rule 14

Appointments

Article III: Temporary and Emergency Appointments

Incorporating Charter Section 8.331 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

Applicability: The provisions of Article II, Rule 14 apply only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 14.21 **Temporary "Near List" Appointments Authorized**

When no list of eligibles exists or no eligible is available on an existing list for a position in the class requisitioned by the appointing officer, and immediate service in the position is required by the appointing officer and another list exists which is deemed by the Human Resources Director to be suitable to provide temporarily the service desired, the commission shall certify for civil service temporary appointment an eligible from such list;

Sec. 14.22 **Non-Civil Service Appointment Defined**

If no such other list deemed by the Human Resources Director to be suitable exists, the Human Resources Director pursuant to Civil Service Commission Rules may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding 130 working days.

Sec. 14.23 **Duration of Non-Civil Service Appointment**

Non-civil service or emergency appointments extended beyond 90 days must be approved by the Human Resources Director. Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 130 working days at the time a civil service eligible reports for duty as provided in Section 8.329 of the Charter.

Applicability: The provisions of Article II, Rule 14 apply only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S. F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 14.24 Emergency Appointment Pending Canvassing of Eligible List

Sec. 14.24-1 If a list of eligibles exists for the position requisitioned, but immediate service is deemed necessary by the appointing officer pending the time an eligible from such list is certified and reports for duty as provided in Section 8.329 of the Charter, the Human Resources Director may authorize the appointing officer to make a non-civil service or emergency appointment thereto for a period not exceeding 30 working days.

Sec. 14.24.2 Such non-civil service or emergency appointment, however, shall cease prior to the expiration of such 30 working days at the time a civil service eligible reports for duty as provided in Section 8.329 of the Charter.

Sec. 14.25 Restriction on Compensation of Non-Civil Service Appointees

No person shall be compensated under any non-civil service or emergency appointment or appointments as authorized under the provisions of the foregoing paragraphs of this Rule for a period exceeding 130 working days in any fiscal or calendar year, and no claim or warrant therefore shall be approved, allowed or paid for any compensation in excess of such 130 working days in any fiscal or calendar year.

Sec. 14.26 Mandate for Funding Department of Human Resources to Conduct Examinations

If no eligibles are available for appointment to a permanent position in the class requested by the appointing officer, the Department of Human Resources shall immediately hold an examination and establish an eligible list for such position. If its annual appropriation is insufficient to meet the cost of said examination, the Department of Human Resources shall report to the Mayor the estimated cost thereof, the Mayor shall request and the Supervisors shall make supplemental appropriation therefore in the manner provided herein for supplemental appropriations.

Rule 14 Appointments

Article IV: Appointment by Reinstatement

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 14, apply to employees in all classes.

Sec. 14.27 **Reinstatement**

14.27.1 A permanent employee who accepts permanent appointment to a position in another class shall be permanently separated from any former position, with the following exception: the employee may be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the appointing officers in both the present department and the former department or the department(s) to which reinstatement is requested. A copy of the approved form(s) must be filed with the Department of Human Resources.

Sec. 14.27.2 An employee serving a promotive probationary period shall be reinstated to a vacant position in any former class in which the probationary period had been completed upon the employee's written request on the prescribed form and with the approval of the Human Resources Director.

1) A request for reinstatement under this section shall not extend the probationary period or infringe upon an appointing officer's authority to terminate an employee.

2) An approved request for reinstatement shall remain in effect until the employee is either reinstated, separated, refuses an offer of reinstatement, or such a request is canceled by the Human Resources Director.

3) Separation of the employee shall nullify all requests for reinstatement approved under this section.

4) The employee shall receive one offer of reinstatement. Failure to accept a reinstatement offer shall forfeit all rights to reinstatement under this section.

5) A reinstatement under this section shall be under the Rule of One.

6) If more than one request for reinstatement under this section is on file, the person with the greater seniority in the class to which reinstatement is requested shall be reinstated first.

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 14, apply to employees in all classes.

Sec. 14.27 **Reinstatement (cont.)**

14.27.3 Reinstatement to a position in a former class and department shall be with former civil service seniority standing in that department and no probationary period shall be required.

14.27.4 Reinstatement to a position in a former class in another department shall require a new civil service seniority date in that department from the date of such reinstatement and shall require a new probationary period.

Sec. 14.28 **Reinstatement Following Transfer**

An appointment by transfer shall cancel all rights to the position from which transferred except that, prior to the completion of the probationary period, a transferee may request reinstatement to a vacancy in a position in the same class and department from which transferred in accordance with the procedures established in this Rule.

Sec. 14.29 **Restrictions on Reinstatement**

Appointments by reinstatement are subject to the appointment provisions found elsewhere in this Rule.

Rule 14 Appointments

Article V: Reappointment

Applicability: Unless otherwise noted, the provisions of Article V, Rule 14, apply to employees in all classes.

Sec. 14.30 Reappointment after Resignation

- 14.30.1** A permanent appointee who has completed the probationary period who resigns and whose services have been certified as satisfactory by the appointing officer, or except as otherwise ordered by the Commission in the case of services certified as unsatisfactory, shall be permanently separated from such appointment except as follows:
- 14.30.2** Except for the members of the uniformed ranks of the Police and Fire Department, upon request on the prescribed form within a four year period after the effective date of the resignation, the resignee with the approval of an appointing officer may be appointed ahead of eligibles to a vacancy in a permanent position in the class from which resigned in any department.
- 14.30.3** A separate request must be filed with each department to which reappointment is desired. An approved copy of the reappointment form(s) must be filed with the Department of Human Resources.
- 14.30.4** Consistent with the above procedure, members of the uniformed ranks of the Police and Fire Department shall have two years from the effective date of the resignation to request and to be reappointed.
- 14.30.2** If a vacancy does not exist in the class from which resigned from City and County Service, or, if otherwise approved by the Human Resources Director, subject to appeal to the Civil Service Commission, a resignee may re-enter the service to a vacancy in any former class in which the probationary period had been completed in any department with the approval of the appointing officer.
- 14.30.3** When reappointed, the resignee shall enter the service as a new appointee with no rights based on prior service except such as may be specifically provided elsewhere in these Rules, in the Vacation, Sick Leave and any other Ordinances as appropriate, and in the examination procedures with respect to credit for prior City and County Service.

Sec. 14.31 Restrictions on Reappointment

Reappointments are subject to the appointment provisions found elsewhere in this Rule

Rule 14 Appointments

Article VI: Appointment by Transfer

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.32 **Transfer - General**

- 14.32.1** A transfer of a permanent appointee who has completed the probationary period to a position in the same class under another appointing officer shall be requested on the form prescribed by the Human Resources Director.
- 14.32.2** A properly completed transfer form approved by the appointing officer or designee of the department to which transfer is requested shall be filed in the requested department. A copy of the approved form shall be filed with the Department of Human Resources and in the employee's current department within two business days of approval.
- 14.32.3** Appointees accepting a new appointment by transfer shall give a minimum period of notice prior to separation from their current department of 15 working days, unless the current department approves a shorter period of notice.
- 14.32.4** Appointments by transfer are subject to the appointment and probationary provisions of these Rules.
- 14.32.5** Appointment by transfer will cancel all other transfer requests which have been filed.

Sec. 14.33 **Transfer from Position Not Full-Time**

A permanent appointee to a part-time position or a position not full time on an annual basis and who serves under such appointment continuously for one year, may request transfer to a regular full-time position in accordance with the provisions of this Rule.

Sec. 14.34 **Transfer of Disabled**

14.34.1 **Charter Authority**

A disability transfer request may be effected in accordance with Charter Section 8.350.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.34 **Transfer of Disabled (cont.)**

14.34.2 **Request Form Prescribed**

A disability transfer request shall be submitted to the Department of Human Resources on the form prescribed by the Human Resources Director.

14.34.3 **Certification by Designated Physician**

A physician designated by the Human Resources Director, pursuant to the Rule on medical examinations, shall certify on such form that the employee, because of disability, is unable to perform the duties of his or her present position but may perform the duties of the position to which transfer is requested.

14.34.4 **Action by the Human Resources Director and Appeal of Decision**

1) The disability transfer request shall be subject to the approval of the Human Resources Director.

2) In effecting a disability transfer, the Human Resources Director shall consider the employee's skills, education and experience and shall make every attempt to place the employee in a position with a salary as close as possible to the salary the employee is receiving in the class from which transferring subject to Charter Section 8.350.

3) In evaluating the employee for a particular position, the Human Resources Director shall refer the employee to the department prior to certification. Both the employee and the department will advise the Human Resources Director of their assessment of the position under consideration for the employee. The decision of the Human Resources Director shall be final unless within five days of the decision to certify the employee to the department, either the employee or the department appeals to the Commission.

Sec. 14.34.5 **Priority of Requests**

In the event of more than one disability transfer request filed for the same position, the request with the earlier filing time in the Department of Human Resources shall be offered available appointment.

Sec. 14.34.6 **Probationary Period Following Disability Transfer**

1) A disability transferee shall serve a probationary period of six months of service as provided elsewhere in these Rules.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.34 **Transfer of Disabled (cont.)**

14.34.6 **Probationary Period Following Disability Transfer (cont.)**

2) At any time during the probationary period the employee may, with the review and approval of the appointing officer and subject to the approval of the Human Resources Director, request further disability transfer to a position in the class to which transferred in another department subject to a new probationary period, or to a position in another class subject to a new probationary period. If there is no immediate vacancy in another position or class pending such further disability transfer, the employee shall remain in the department and the probationary period shall be extended until further disability transfer can be effected; however, in no case shall the extension of the probationary period exceed three months of service. Requests for further disability transfer may be rescinded on the request of the employee and with the approval of the appointing officer. If the request is rescinded during the initial six month probationary period, the employee will complete the balance of the probationary period; if the rescission occurs during the extension to the probationary period, the employee will be deemed as having passed the probationary period on the date the approved request to rescind is received in the Department of Human Resources. At any time during the probationary period or the probationary period extension, charges for the employee's dismissal may be preferred in accordance with the procedures governing the removal of permanent employees as provided in Charter Section 8.341 and elsewhere in these Rules.

3) The hearing officer in rendering a decision shall have the following options: exonerate the employee; suspend the employee; terminate the employee; or refer the employee to the Department of Human Resources for consideration for further disability transfer. The hearing officer shall evaluate the charges for dismissal with the standard applicable to a probationary and not a permanent employee. The decision of the hearing officer shall be final.

14.34.7 **Certification and Appointment**

Certification and appointment of disability transferees shall be made in accordance with the provisions of the Rules governing the Rule of One. Such transferees shall have priority over eligibles on existing eligible lists; however, holdovers shall have preference for certification and appointment over disability transferees.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.34 **Transfer of Disabled (cont.)**

14.34.8 **Resolution of Disputes**

- 1) A dispute concerning the application, implementation or interpretation of this section shall be decided by the Human Resources Director subject to appeal to the Commission as provided elsewhere in these Rules.
- 2) Pending final resolution of a dispute under this subsection, any proposed disability transfer shall be held in abeyance.

Sec. 14.35 **Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment**

Permanent civil service employees who have completed their probationary period and who are subject to layoff because of technological advances, automation, the installation of new equipment, or the transfer of functions to another jurisdiction may submit a request to the Human Resources Director for transfer to a position within their capacities to perform, whether or not within the class for which they qualified for appointment. Such request for transfer shall be subject to the following:

- 14.35.1** Request for transfer shall be submitted on the form prescribed by the Human Resources Director and shall be approved by the appointing officer or designee of the department to which transfer is requested.
- 14.35.2** The position to which transfer is requested shall not be to a class having a higher compensation schedule than the one from which transfer is requested.
- 14.35.3** The Human Resources Director may administer any examinations which, in the judgment of the Human Resources Director, are deemed advisable to test the capacity of the employee to perform the duties in the position to which transfer is requested, unless the transfer is to a position in the same class or a closely related class.
- 14.35.4** Employees so transferred, who are not suited to the position, may be given an opportunity for further transfer to other positions within their capacities to perform.
- 14.35.5** In the event of layoff of an appointee who occupies a position through transfer under the provisions of this section, such layoff shall be in accordance with the applicable provisions of the Layoff Rule. Seniority shall be calculated from the date of certification in the class from which transferred.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.35 Transfers Occasioned by Reduction of Force Due to Technological Advances, Automation, or the Installation of New Equipment (cont.)

- 14.35.6** Employees transferred under the provisions of this section may request reinstatement to the former class in accordance with the Reinstatement Rule.
- 14.35.7** In the event that more than one approved transfer to the same class is on file in the Department of Human Resources, preference shall be given to the appointee who has the longest service under civil service permanent appointment in the class from which layoff is to be made.
- 14.35.8** An appointee transferred under the provisions of this section shall serve a probationary period in the new class.

Sec. 14.36 Transfers Occasioned by the Transfer of Functions from One Department to Another

- 14.36.1** When, in accordance with Charter provisions, part of the functions and duties of any department are transferred to another department, the employees performing such functions and duties shall be transferred therewith.
- 14.36.2** Such employees shall retain in their new department the same salary and civil service seniority status as they had in the department from which transferred.
- 14.36.3** Employees transferred in accordance with this Rule shall not be required to serve a new probationary period.

Sec. 14.37 Limited-Term Transfer

14.37.1 Definition

The transfer of a permanent appointee to a vacant position in the same class under another appointing officer for a specified duration of up to six calendar months may be approved by the appointing officers of both departments and the Human Resources Director and shall be known as a "limited-term transfer."

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.37 **Limited-Term Transfer (cont.)**

14.37.2 **Purpose**

The purpose of a limited-term transfer is to more efficiently utilize and exchange human resources among the departments of the City and County; to allow employees exposure and training in other departments; and to provide a mechanism for reducing staffing levels during slow periods or periods of fiscal emergency and to temporarily increase staffing during peak work periods.

14.37.3 **Types of Limited-Term Transfers**

- 1) Voluntary:** A limited-term transfer may be initiated on the written request of an employee on the form prescribed by the Human Resources Director.
- 2) Mandatory:** A permanent or probationary employee may be transferred by the employee's appointing officer for a specified period up to a maximum of six months in any calendar year to a position in the same class under another appointing officer. Such transfers shall be made by class in reverse order of seniority in the class in the department after all permanent and probationary employees in the class have been canvassed and all more senior employees have been notified and have waived the right to request a voluntary limited-term transfer. The employee shall receive at least five working days written notice in advance of the effective date of the transfer and shall be given an opportunity, if requested, to meet and confer with the appointing officer or designated representative. No permanent employee shall be placed on mandatory limited term transfer if there are temporary or provisional employees in the same class in the department from which the transfer originates.

Sec. 14.37.4 **Expiration and Extension**

- 1)** Limited-term transfers will remain in force for the period specified unless abridgment is approved by both appointing officers.
- 2)** Limited-term transfers approved for a period of less than six months may be extended for additional periods of time up to a maximum of six calendar months.
- 3)** Upon expiration of the period of the transfer, the transferee shall be automatically reinstated to a permanent position in the class and department from which transferred.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.37 **Limited-Term Transfer (cont.)**

Sec. 14.37.5 **Probationary Period**

1) A limited-term transferee shall not serve a new probationary period; however, notwithstanding any other provision of these Rules, with the approval of the appointing officer in the department to which transferred, the time served during a limited term transfer, or a portion thereof, may be counted toward the completion of the probationary period if the transferee requests and is granted a permanent transfer and commences a probationary period in the new department.

2) An appointee who is transferred under the provisions of this Rule while serving a probationary period in the department from which transferred shall complete the probationary period upon reinstatement to the original department; however, an appointing officer may, notwithstanding any other provision of these Rules, credit the time served during a limited-term transfer or a portion thereof toward the completion of the probationary period in the original department.

14.37.6 **Disciplinary Action**

A limited-term transferee is an appointee in the department to which transferred during the period of the transfer for the purpose of disciplinary action.

14.37.7 **Temporary Positions**

Limited-term transfers which are not made to permanent positions may be made to positions which are funded on a temporary basis with the certification of the Controller that funds for the payment of mandatory fringe benefits are available in the department to which transferred. Appointees so transferred retain all the rights and benefits of permanent appointees.

14.37.8 **Seniority**

Appointees returning to their original departments following a limited-term transfer are reinstated with full seniority. No deduction from seniority in the original department shall be made for any period of limited term transfer.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in all classes.

Sec. 14.37 **Limited-Term Transfer (cont.)**

14.37.9 **Layoff**

An appointee who is laid off while on a limited-term transfer shall be automatically reinstated to a permanent position in the class in the department from which transferred.

Rule 14

Appointments

Article VII: Employment in Class 8304 Deputy Sheriff and Class 8302 Deputy Sheriff I

Applicability: The provisions of Article VI, Rule 14, apply only to employees in Classes 8304 Deputy Sheriff and 8302 Deputy Sheriff I.

Sec. 14.38 **Preemption of Certain Civil Service Commission Rules**

Notwithstanding any other provisions of these Rules, employment in Class 8302 Deputy Sheriff I and Class 8304 Deputy Sheriff shall be administered as provided in this Rule.

Sec. 14.39 **Probationary Period for Class 8302 Deputy Sheriff**

- 14.39.1** Appointees in Class 8302 Deputy Sheriff I shall serve an eighteen (18) month probationary period.
- 14.39.2** Consistent with any valid Memorandum of Understanding covering this class, appointees in Class 8302 Deputy Sheriff I may be released by the Sheriff at any time during the probationary period. The decision of the Sheriff shall be final.
- 14.39.3** The probationary period for an appointee in Class 8302 Deputy Sheriff I shall be extended in accordance with existing Civil Service Commission Rules governing extension of the probationary period.

Sec. 14.40 **Advancement from Class 8302 Deputy Sheriff I to Class 8304 Deputy Sheriff**

- 14.40.1** Subject to the successful completion of the probationary period and such other terms and conditions as required by the Sheriff and approved by the Human Resources Director, the Sheriff shall have the authority to advance appointees in Class 8302 Deputy Sheriff I to a permanent entrance appointment in Class 8304 Deputy Sheriff.
- 14.40.2** Advancement as provided in this Rule shall not require a new probationary period.

Applicability: The provisions of Article VI, Rule 14, apply only to employees in Classes 8304 Deputy Sheriff and 8302 Deputy Sheriff I.

Sec. 14.40 **Advancement from Class 8302 Deputy Sheriff I to Class 8304 Deputy Sheriff (cont.)**

- 14.40.3** With the approval of the Human Resources Director, an appointee in class 8302 Deputy Sheriff I who has, in the sole discretion of the Sheriff, successfully performed each and every requirement necessary for successful completion of the probationary period, but through no fault of the appointee, completes the 18 month probationary period prior to successful completion of all state certification requirements prescribed by the Commission on Peace Officer Standards and Training (POST), may be advanced to 8304 Deputy Sheriff subject to a probationary period which shall extend from the date of appointment to the 8304 Deputy Sheriff class to the date upon which POST certifies that the appointee has successfully completed all state-mandated requirements.
- 14.40.4** For purposes of the Human Resources Director's approval of advancement under this section, a finding of "no fault of the appointee" shall include but not be limited to administrative delay by the Sheriff's department, lack of available training funds, or such other circumstances beyond the control of the appointee, but not related in any way to the appointee's performance.
- 14.40.5** Except as set forth above, appointees in class 8302 Deputy Sheriff I who fail to successfully complete each and every POST certification requirement and such other terms and conditions as required by the Sheriff and approved by the Human Resources Director during the 18 month probationary period, shall be deemed to have failed to have and maintain all necessary qualifications for the position and shall be subject to immediate removal.

Sec. 14.41 **Seniority of Appointees in Class 8304 Deputy Sheriff Upon Advancement**

Seniority in Class 8304 Deputy Sheriff shall be determined by the date of permanent certification from and rank on the eligible list for Class 8302 Deputy Sheriff I.

Sec. 14.42 **Layoff in Class 8302 Deputy Sheriff I and Class 8304 Deputy Sheriff**

Layoffs in Class 8302 Deputy Sheriff I and Class 8304 Deputy Sheriff shall be as provided elsewhere in these Rules, except that, all appointees in Class 8302 Deputy Sheriff I shall be laid off before the layoff of any appointees in Class 8304 Deputy Sheriff shall occur.

Applicability: Unless otherwise noted, the provisions of Article VI, Rule 14, apply to employees in Classes 8304 Deputy Sheriff and 8302 Deputy Sheriff I.

Sec. 14.43

No Reversion Rights

Appointees separated or advanced from Class 8302 Deputy Sheriff I shall not be eligible to reinstate to or reoccupy positions in Class 8302 Deputy Sheriff I, for any reason.

Rule 15

Exempt Employment of Individuals Who are Severely Disabled

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.1 Rule Prescribed - Authority - Purpose

Sec. 15.2 Designated Positions

Sec. 15.3 Definition and Certification of Individuals Who are Severely Disabled

Sec. 15.4 Appraisal of Qualifications

Sec. 15.5 Referral of the Individual Who is Severely Disabled to the Department

Sec. 15.6 Appointment and Evaluation Period

Sec. 15.7 Performance Appraisal During Evaluation Period

Sec. 15.8 Termination During Evaluation Period

Sec. 15.9 Advancement to Permanent Civil Service Status

Sec. 15.10 Computation of Seniority for Individuals Who are Severely Disabled

Sec. 15.11 Resolution of Disputes

Rule 15

Exempt Employment of Individuals Who are Severely Disabled

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.1 Rule Prescribed - Authority - Purpose

- 15.1.1** In accordance with Charter Section 8.300(a)(6), the Civil Service Commission does prescribe and adopt this Rule which shall have the force and effect of law to implement the Charter provision and to provide an orderly and effective process for the exempt employment and advancement to permanent civil service status of individuals who are severely disabled under the terms and conditions authorized by the Charter.
- 15.1.2** This Rule is not intended to preclude or in any way inhibit the employment of individuals who are severely disabled through the regular examination process or from provisional appointment as provided elsewhere in these Rules.

Sec. 15.2 Designated Positions

- 15.2.1** An appointing officer or authorized representative may identify entry-level positions in the department for the appointment of individuals who are severely disabled and thereupon notify the Human Resources Director in writing of the positions so identified.
- 15.2.2** Such positions, when approved by the Human Resources Director shall be designated for the employment of individuals who are severely disabled and shall hereinafter be known as a "designated position."
- 15.2.3** With the approval of the Human Resources Director, the appointing officer or authorized representative may rescind such designation at any time prior to the appointment of an individual pursuant to this Rule. When a designated position becomes vacant, the appointing officer may continue or cancel such designation.

Sec. 15.3 Definition and Certification of Individuals Who are Severely Disabled

- 15.3.1** Persons eligible for employment in designated positions shall be subject to certification by either the State of California Department of Rehabilitation or Veterans Administration as individuals who are severely disabled in accordance with the standards and criteria established by the State of California Department of Rehabilitation for such purpose.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.3 Definition and Certification of Individuals Who are Severely Disabled (cont.)

- 15.3.2** Such standards and criteria and any changes thereto used for the certification of individuals who are severely disabled to positions in the City and County Service are subject to the acceptance and approval of the Human Resources Director.
- 15.3.3** A copy of the standards and criteria used for the certification of individuals who are severely disabled shall be available for public inspection during regular business hours in the Department of Human Resources office.

Sec. 15.4 Appraisal of Qualifications

- 15.4.1** All candidates for designated positions shall meet the minimum qualifications applicable to the class and shall be able to perform the essential functions of the position after reasonable accommodation is made for the disability.
- 15.4.2** The Human Resources Director shall establish procedures for the appraisal of the qualifications of all persons certified for employment pursuant to this Rule.
- 15.4.3** For the purpose of this Rule, the provisions of the last examination announcement or the class specification, whichever is more recent, shall guide the Human Resources Director in determining minimum qualifications.
- 15.4.4** The Human Resources Director may administer job-related tests and/or obtain such supplemental information as is deemed appropriate in order to appraise the qualifications of candidates certified for consideration under this Rule.

Sec. 15.5 Referral of the Individual Who is Severely Disabled to the Department

- 15.5.1** When there is a vacant requisition for a designated position, the Human Resources Director will refer to the Department for consideration those candidates who meet the specified terms and conditions.
- 15.5.2** The candidate and the authorized departmental representative shall each advise the Human Resources Director of their assessment of the position under consideration. The decision by the candidate to refuse the position or by the department to reject a candidate shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.661(c) and these Rules.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.6 Appointment and Evaluation Period

- 15.6.1** A candidate selected for appointment under this Rule shall be a permanent exempt appointee subject to the one-year evaluation period prescribed by Charter.
- 15.6.2** The provisions found elsewhere in these Rules governing the extension of the probationary period for regular civil service appointees shall be applicable to the one-year evaluation period.
- 15.6.3** The evaluation period is the critical phase of the selection process and shall be used as a trial period in order to determine the ability of individuals who are severely disabled to perform the assigned duties of the position to which appointed.

Sec. 15.7 Performance Appraisal During Evaluation Period

In accordance with existing procedures of the performance appraisal system, performance appraisal reports shall be written during the evaluation period by the immediate supervisor of individuals who are severely disabled according to the following schedule:

- 1) at the end of the first three months;
- 2) at the end of the sixth month covering the fourth through the sixth month; and
- 3) at the end of the eleventh month covering the seventh through the eleventh month.

Sec. 15.8 Termination During Evaluation Period

- 15.8.1** Consistent with Charter authority governing the employment of individuals exempt from the civil service provisions thereof, during the evaluation period, individuals appointed under this Rule serve at the discretion of the appointing officer.
- 15.8.2** At any time during the evaluation period, the appointing officer may terminate the appointee by giving written notice to the individual and to the Human Resources Director specifying the reasons therefor. The decision of the appointing officer shall be final and is not subject to appeal except as provided under the anti-discrimination provisions of Charter Section 3.66(c) and these Rules.

Applicability: Unless otherwise noted, the provisions of Rule 15 apply to employees in all classes.

Sec. 15.9 Advancement to Permanent Civil Service Status

- 15.9.1** The appointing officer shall, in accordance with procedures prescribed by the Human Resources Director, notify the Human Resources Director, in writing, of the completion of the evaluation period and shall certify satisfactory job performance during the evaluation period in order to advance the individual who is severely disabled to permanent civil service status.
- 15.9.2** Upon advancement to permanent civil service status, appointees shall not be required to serve a probationary period and shall acquire all the rights of a regular civil service appointee who has completed the probationary period.

Sec. 15.10 Computation of Seniority for Individuals Who are Severely Disabled

Notwithstanding any other provisions of these Rules:

- 1)** Seniority for the purpose of layoff shall be calculated from the date an individual who is severely disabled began to work in an exempt status in the designated position in a class in a department.
- 2)** During the evaluation period, individuals appointed pursuant to this Rule shall be compared with and ranked for retention purposes the same as probationary civil service appointees.
- 3)** Seniority accrued by an individual who is severely disabled in a class and department during the evaluation period shall be carried forward upon advancement to permanent civil service status in the same class and department.
- 4)** Seniority in the event of a tie shall be determined by the appointing officer, whose decision is final.

Sec. 15.11 Resolution of Disputes

A dispute concerning the application, implementation or interpretation of this Rule shall be decided by the Human Resources Director, subject to reconsideration by the Commission as provided elsewhere in these Rules.

Rule 16

Medical Examinations

Applicability: Unless otherwise noted, the provisions of Rule 16 apply to employees in all classes.

- Sec. 16.1** **Requirement for Medical Examination of Appointees**
- Sec. 16.2** **Medical Examination of Employees**
- Sec. 16.3** **Effect of Medical Rejection**
- Sec. 16.4** **Application for Re-Examination Following Medical Rejection**
- Sec. 16.5** **Appeal of Medical Rejection Following Re-Examination**
- Sec. 16.6** **Failure to Appeal**

Rule 16

Medical Examinations

Applicability: Unless otherwise noted, the provisions of Rule 16 apply to employees in all classes.

Sec. 16.1 Requirement for Medical Examination of Appointees

16.1.1 Except as otherwise provided in these Rules, all civil service appointees shall be required to meet acceptable medical standards which may include passing a medical examination before a physician designated for such purpose by the Human Resources Director. The Human Resources Director, in consultation with the Director of Health and the General Manager of the Retirement System or designees, shall designate those appointees for whom a medical examination is required; provided, however, if requested by a recognized employee organization for appointees in classes under their respective jurisdictions, a medical examination shall be required; and provided further that a medical examination shall be required for all appointments in the uniformed ranks of the San Francisco Police Department and the San Francisco Fire Department.

16.1.2 Persons who inexcusably fail to complete a required medical examination or fail to follow established procedures in reporting for medical examination shall be placed under waiver on all eligibility lists and shall have the appointment and/or certification canceled. Such waiver shall not be removed except with the special permission of the Human Resources Director. A second occurrence shall remove the name of the person from all eligible lists, and future employment shall require the express approval of the Human Resources Director.

Sec. 16.2 Medical Examination of Employees

16.2.1 An appointing officer or authorized representative who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public or to the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.

16.2.2 If the employee refuses or fails to obtain such physician's certificate or if as a result of a medical evaluation the employee is found not to be medically or physically competent, the appointing authority or authorized representative shall place the employee on compulsory sick leave under the leave provisions of these Rules and shall immediately report such action to the Human Resources Director. Return of the employee to duty and appeals of imposition of compulsory leave shall be as provided in this Rule for appealing medical rejections.

Applicability: Unless otherwise noted, the provisions of Rule 16 apply to employees in all classes.

Sec. 16.3 Effect of Medical Rejection

1) Any person who fails to pass the medical examination shall be rejected and the rejection shall apply to any other class or position unless the medical standards pertaining to the class or position in question are different and the Human Resources Director approves.

2) The Human Resources Director, upon the advice of the medical examiners, is authorized to validate the appointment of a person with medically disqualifying conditions that are subject to correction within a reasonable time period, and order that the employment of such persons be subject to passing all medical requirements within five months of the date of the first medical examination, or less time, if conditions warrant. Persons who fail to pass the medical examination within the approved time period shall be terminated.

3) The name of an eligible who is found to have a disqualifying medical defect that is not correctable shall be removed from all eligible lists unless the person has standing on a list or lists for which the medical standards are different and the Human Resources Director approves.

Sec. 16.4 Application for Re-Examination Following Medical Rejection

A person who has been medically rejected may present, within 30 days of the notice of rejection, or the date of correction of the condition leading to rejection, medical evidence that the condition leading to rejection has been corrected, no longer exists, or did not in fact exist and may apply to the Human Resources Director for medical re-examination.

Sec. 16.5 Appeal of Medical Rejection Following Re-Examination

A person who has been medically rejected following re-examination may appeal the rejection to the Human Resources Director within ten days of the date of the notice of rejection following medical re-examination. The Human Resources Director shall appoint a medical specialist not in the City and County service to conduct an evaluation and to report the findings. Subject to budgetary limitations, this evaluation shall be conducted at the cost of the City and County. If sufficient funds are not available, the evaluation shall be at the cost of the person appealing medical rejection. The decision of the medical specialist shall be final and no further appeal shall be allowed.

Sec. 16.6 Failure to Appeal

Failure to appeal within the appeal periods provided above shall constitute a waiver of appeal and shall cause all appeal rights for the rejection in question to be lost.

Rule 17

Probationary Period

Article I: Administration of the Probationary Period

Applicability: The provisions of Article I, Rule 17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article II: Probationary Period

Applicability: The provisions of Article II, Rule 17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article III: Separation of Probationary Employees

Applicability: Unless otherwise noted, the provisions of Article III, Rule 17, apply to employees in all classes.

Article IV: Termination During the Probationary Period

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 17, apply to employees in all classes.

Article V: Dismissal During Probationary Period

Applicability: The provisions of Article V, Rule 17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Article VI: Classes Requiring More than Six Months Probationary Period

Applicability: The provisions of Article VI, Rule 17, apply only to employees in the classes enumerated in Article VI.

Rule 17

Probationary Period

Article I: Administration of the Probationary Period

Applicability: The provisions of Article I, Rule 17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.1 Requirement for and Purpose of the Probationary Period

- 17.1.1** Any person appointed to a permanent civil service position shall serve a probationary period.
- 17.1.2** Nothing in these provisions is intended to infringe upon or restrict the discretion of appointing officers in terminating a probationary employee as provided for in these Rules.
- 17.1.3** The probationary period is the final and most important phase of the selection process and is to be used for evaluating the performance of the employee in the position to which appointed.

Sec. 17.2 Appointments Subject to the Probationary Period

A probationary period is required for all of the following types of permanent appointment:

- 17.2.1** Appointment from an eligible list;
- 17.2.2** Appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off or where a probationary period had not been previously served in the class and department.
- 17.2.3** Appointment by transfer to the same class in another department, disability transfer, or transfer occasioned by reduction in force due to technological advances, automation or the installation of new equipment.
- 17.2.4** Reappointment of resignees;
- 17.2.5** Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class;

Applicability: The provisions of Article I, Rule 17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.2 **Appointments Subject to the Probationary Period (cont.)**

- 17.2.6** Advancement from a part-time position to a full-time position, except if the employee has previously served a probationary period in a full-time position in the same class in the same department;
- 17.2.7** Reversion by a promotive probationary employee to a position in a former class in which the probationary period has been completed, except if the employee has previously served a probationary period in the same department in that class.

Sec. 17.3 **Duration of Probationary Period**

- 17.3.1** The probationary period shall be six months of service, except for those classes designated in Article VI of this Rule.
- 17.3.2** An employee appointed through disability transfer, as provided elsewhere in these Rules shall be required to serve a probationary period of the same duration applicable to the class to which transferred.
- 17.3.3** For an employee who returns to a permanent position following layoff, the probationary period shall be the same period normally applicable to the class to which the employee is appointed. However, for a permanent employee in holdover status, who was laid off during the probationary period and who is returning to the same department and class from which laid off, the employee need only serve the balance of the probationary period.
- 17.3.4** An appointing officer may credit as probationary time served an employee's prior full-time service in a permanent position in the same class, excluding probationary time. Such credits shall not exceed one-half of the required length of the probationary period.
- 17.3.5** Appointing officers may credit periods of limited term transfer toward the completion of the probationary period as provided in the transfer provisions of the Appointment Rule.
- 17.3.6** Probationary periods of 12 months and up to a maximum of 24 months may be established for professional, executive and management classes.

Applicability: The provisions of Article I, Rule 17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.4 Extension of the Probationary Period

- 17.4.1** Except as provided elsewhere in this section, all periods of unpaid authorized leave, except sick leave, all periods of unauthorized absence, and all periods of disciplinary suspension shall automatically extend the probationary period by the total time of the absence.
- 17.4.2** An appointing officer, with the approval of the Human Resources Director, may extend the probationary period of a probationary appointee for up to a maximum of 12 calendar months in order to allow the employee time in which to obtain required licenses and/or certificates.
- 17.4.3** All periods of sick leave, with or without pay, in excess of ten working days per six months of probationary period shall automatically extend the probationary period by the total time off in excess of ten working days.
- 17.4.4** For all appointees, periods of disability leave shall automatically extend the probationary period by the total time of the absence.
- 17.4.5** Regular civil service appointees in the School Districts shall have their probationary period calculated on the basis of actual service, excluding from such period of service, periods of non-service such as school vacation.

17.4.6 Exceptions to Extension

- 1)** Military leave, jury duty leave, and vacation leave granted during the probationary period shall not extend the probationary period.
- 2)** Time served while on leave of absence to serve temporarily under the same appointing officer in another class during the probationary period shall be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Department of Human Resources in writing of such temporary appointments.

17.4.7 Successive Probationary Appointment

With the approval of the Human Resources Director, an appointing officer, with the concurrence of the employee, may renew the employee's probationary period. The Human Resources Director shall establish the administrative process and procedures for accomplishing such successive probationary appointments.

Applicability: The provisions of Article I, Rule 17, apply to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.5 **Report of Probationary Period**

The appointing officer shall notify the appointee and the Department of Human Resources on the prescribed form of the completion of an appointee's probationary period.

Sec. 17.6 **Voluntary Resumption of Probationary Status**

When agreed upon by an appointing officer, an employee and with the approval of the Human Resources Director, a permanent employee past the probationary period may voluntarily agree to serve a new probationary period in lieu of the department dismissing the employee. The duration of the resumed probationary period shall not exceed six calendar months. During this resumed probationary period, should the employee fail to abide by the terms and conditions of the probationary period set by the department, subsequent disciplinary action may be taken. This resumed probationary period is subject to all terms and conditions of a probationary period as provided elsewhere in this Rule.

Rule 17

Probationary Period

Article II: Probationary Period Administration

Applicability: The provisions of Article II, Rule 17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.7 Purpose of the Probationary Period

- 17.7.1** The probationary period is the final phase of the selection process and is to be used for evaluating the ability of the employee to perform the assigned duties of the position to which appointed.
- 17.7.2** Nothing in these provisions is intended to infringe upon or restrict the discretion of appointing officers in terminating a probationary employee as provided in Charter Section 8.340 and elsewhere in these Rules.

Sec. 17.8 Appointments Subject to the Probationary Period

A probationary period is required for the following types of appointment:

- 17.8.1** Permanent appointment from an eligible list.
- 17.8.2** Permanent appointment following layoff or involuntary leave when the appointment is to a class and/or department other than the one from which laid off or where a probationary period had not been previously served in the class and department.
- 17.8.3** Appointment by permanent transfer to the same class in another department, disability transfer, or appointment by transfer occasioned by reduction in force due to technological advances, automation or the installation of new equipment.
- 17.8.4** Reappointment of resignees.
- 17.8.5** Reinstatement at the request of the employee to a permanent position in a former class in a department other than a department in which the probationary period had been completed in this former class.

Applicability: The provisions of Article II, Rule 17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.8 **Appointments Subject to the Probationary Period (cont.)**

- 17.8.6** Advancement from a part-time position to a full-time position, except if the employee has previously served a probationary period in a full-time position in the same class in the same department.

Sec. 17.9 **Exception to Probationary Period Requirement**

Employees returned to a position in the class from which promoted by action of the Commission under the separation procedures provided elsewhere in these Rules shall not be required to serve a new probationary period, unless ordered otherwise by the Commission.

Sec. 17.10 **Duration of Probationary Period**

- 17.10.1** The probationary period shall be six months except for those classes designated in Article VI of this Rule.
- 17.10.2** An employee appointed through disability transfer as provided elsewhere in these Rules shall be required to serve a probationary period of six months of service.
- 17.10.3** The probationary period for an employee returned to duty to a permanent appointment following layoff as provided elsewhere in these Rules shall be six months of service in all cases provided, however, that a permanent holdover who was serving a probationary period when laid off and is being returned to duty in the same department from which laid off shall serve the balance of the probationary period.
- 17.10.4** Appointing officers may credit, as time served toward the completion of the probationary period, prior permanent appointment in the same class, not to exceed the total length of the period(s) of appointment up to a maximum credit of one-half of the required length of the probationary period.
- 17.10.5** Appointing officers may credit periods of limited term transfer toward the completion of the probationary period as provided in the transfer provisions of the Appointment Rule.

Applicability: The provisions of Article II, Rule 17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.11 **Extension of the Probation Period**

- 17.11.1** Except as provided elsewhere in this section, all periods of unpaid authorized leave, except sick leave, all periods of unauthorized absence, and all periods of disciplinary suspension shall automatically extend the probationary period by the total time of the absence.
- 17.11.2** All periods of sick leave, with or without pay, in excess of ten working days per six months of probationary period shall automatically extend the probationary period by the total time off in excess of ten working days.
- 17.11.3** For all appointees, periods of disability leave shall automatically extend the probationary period by the total time of the absence.
- 17.11.4** Regular civil service appointees in the School Districts shall have their probationary period calculated on the basis of actual service, excluding from such period of service, periods of non-service such as school vacation.

17.11.5 **Exceptions to Extension**

- 1) Military leave, jury duty leave, and vacation leave granted during the probationary period shall not extend the probationary period.
- 2) Time served while on leave of absence to serve temporarily under the same appointing officer in another class during the probationary period shall be counted toward the completion of the probationary period for the class from which leave was granted. Appointing officers shall notify the Commission in writing of such temporary appointments.

Sec. 17.12 **Report of Probationary Period**

The appointing officer shall notify the appointee and the Department of Human Resources on the prescribed form of the completion of an appointee's probationary period.

Rule 17

Probationary Period

Article III: Separation of Probationary Employees

Applicability: Unless otherwise noted, the provisions of Article III, Rule 17, apply to employees in all classes.

Sec. 17.13 Procedure for Termination of Entrance Probationary Employee

17.13.1 An entrance probationary employee may be terminated by the appointing officer at any time during the probationary period upon written notice of such termination to the employee and to the Human Resources Director specifying the reasons for such termination. The notification and hearing procedures shall be as provided elsewhere in these Rules.

17.13.2 The Commission shall take one or more of the following actions:

- 1)** May declare such person dismissed, or return the name to the eligible list from which appointed under such conditions for further appointment it deems appropriate, provided that certification to the same position and same immediate supervisor will not be made if the termination was for disciplinary reasons. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of 12 months under such conditions for further appointment as the Commission deems appropriate;
- 2)** Order the name of the person removed from any regular eligible list or lists on which the person may have standing;
- 3)** Restrict future employment as it deems appropriate.

Sec. 17.14 Procedure for Termination of Promotive Probationary Employee

Sec. 17.14.1 A promotive probationary employee may be terminated by the appointing officer at any time during the probationary period upon written notice of such termination to the employee and to the Human Resources Director specifying the reasons for such termination. The termination shall be in accordance with the provisions of this Rule.

Applicability: Unless otherwise noted, the provisions of Article III, Rule 17, apply to employees in all classes.

Sec. 17.14 Procedure for Termination of Promotive Probationary Employee (cont.)

- 17.14.2** The employee shall have the right of appeal and hearing before the Commission. Notice of appeal shall be filed in writing in the Commission Office within 20 calendar days as provided elsewhere in this Rule. The Commission will announce the time and place of hearing which shall be as soon thereafter as convenient to all parties.
- 17.14.3** The Commission shall render its decision within 30 days after receipt of the notice of termination, and
- 1)** may direct such person dismissed;
 - 2)** declare such person reinstated in the position and may order that the employee be paid salary from the time of the termination of appointment;
 - 3)** order the return of such person to a position in the class from which promoted and may re-establish the employee's eligibility to a list of eligibles for the promotive class under such conditions as the Commission may deem just. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of 12 months under such conditions for further appointment as the Commission deems appropriate;
 - 4)** The decision of the Commission shall be final and shall not be reconsidered.
- 17.14.4** Employees returned by action of the Commission to a position in the class from which promoted shall not be required to serve a new probationary period unless otherwise ordered by the Commission.
- 17.14.5** Pending final decision, the appointing officer in the present or any other department has the option to restore the employee to duty in a position in the class from which promoted.

Rule 17

Probationary Period

Article IV: Termination During the Probationary Period

(Incorporating Charter Section 8.340 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 17, apply to employees in all classes.

Sec. 17.15 Termination During the Probationary Period

17.15.1 Procedure for Termination

At any time during the probationary period the appointing officer may terminate the appointment upon giving written notice of such termination to the employee and to the Human Resources Department specifying the reasons for such termination.

17.15.2 Requirement for Commission Review

Except in the case of members of the uniformed ranks of the Police and Fire Departments, the Civil Service Commission shall review the termination. The Civil Service Commission shall by Rule establish the procedures for such review.

17.15.3 Termination of Entrance Probationary Period

If the appointment resulted from an entrance examination, the Commission may declare such person dismissed or may return the name to the eligible list under such conditions for further appointment as the Commission may deem just.

17.15.4 Termination of Promotive Probationary Period

If the appointment resulted from a promotional examination the employee shall have the right of appeal and hearing before the Civil Service Commission. The Commission shall render a decision within 30 days after receipt of the notice of termination and may declare such person dismissed; or order such person reinstated to the position without prejudice, and the Commission may in its discretion order that the employee be paid salary from the time of the termination of the appointment; or order the return of such person to a position in the class from which that person was promoted and may reestablish the employee's eligibility to an eligible list for the same promotive class under such conditions as the Commission may deem just.

Applicability: Unless otherwise noted, the provisions of Article IV, Rule 17, apply to employees in all classes.

Sec. 17.15 **Termination During the Probationary Period (cont.)**

17.15.5 **Finality of Commission's Decision**

The decision of the Commission shall be final.

Sec. 17.16 **Commission Authority to Review All Probationary Terminations**

Nothing in these Rules shall preclude the Civil Service Commission from reviewing terminations for the purpose of future employability including terminations in the uniformed ranks of the Police and Fire Departments.

Rule 17

Probationary Period

Article V: Dismissal During Probationary Period

Incorporating Charter Section 8.340 into the Civil Service Commission Rules
Pursuant to Charter Section 8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)

Applicability: The provisions of Article I, Rule 17, apply only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and to the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Sec. 17.17 Requirement for Probationary Period

Any person appointed to a permanent position shall serve a probationary period.

Sec. 17.18 Duration of Probationary Period

- 17.18.1** The Civil Service Commission shall by Rule establish a probationary period of not less than six months' service and up to a maximum of 12 months' service for each class;
- 17.18.2** Provided that the probationary period for entrance positions in the uniformed rank of the police department, fire department, and San Francisco International Airport police force shall be for 12 months except that, with respect to members of the uniformed ranks of the police department, the probationary period shall be completed after 12 months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed 84 weeks from the date of appointment;
- 17.18.3** Provided further that probationary members of the uniformed ranks of the police department charged with breach of duty or misconduct shall be afforded the procedural rights set forth in Charter Section 8.343 for such charges.

Sec. 17.19 Probationary Period for Executive and Management Classes

Probationary periods of 12 months and up to a maximum of 24 months may be established for executive and management classes.

Rule 17

Probationary Period

Article VI: Classes Requiring More than Six Months Probationary Period

Applicability: The provisions of Article VI, Rule 17, apply only to employees in the classes enumerated.

Sec. 17.20 Probationary Period for Certain Miscellaneous Employees

Unless superceded by Collective Bargaining Agreement or by Ordinance, a probationary period of one year is required for the following classes:

1829	Operations Analyst
2232	Sr. Physician Specialist
2233	Supervising Physician Specialist
2292	Shelter Veterinarian
2444	Clinical Laboratory Technologist
2446	Senior Clinical Laboratory Technologist
2453	Supervising Pharmacist
2462	Microbiologist
2464	Senior Microbiologist
2465	Virologist
2496	Radiologic Technologic Supervisor
2561	Optometrist
2565	Acupuncturist
2576	Supervising Clinical Psychologist
2832	Supervising Public Health Nurse
2978	Contract Compliance Officer II
2982	Rent Board Supervisor
3372	Animal Control Officer
3438	Tree Topper Supervisor II
3484	Agricultural Division Land Agent
3650	Medical Records Librarian
4331	Security Analyst
6236	Boiler Inspector
6242	Plumbing Inspector
6244	Chief Plumbing Inspector
6248	Electrical Inspector
6249	Senior Electrical Inspector
6250	Chief Electrical Inspector
6252	Line Inspector
6331	Building Inspector
7126	Mechanical Shop & Equipment Superintendent
7134	Water Construction & Maint. Superintendent
7136	Water Shops & Equipment Superintendent
7204	Chief Water Service Inspector
7213	Plumber Supervisor I

Applicability: The provisions of Article VI, Rule 17, apply only to employees in the classes enumerated.

Sec. 17.20 Probationary Period for Certain Miscellaneous Employees (cont.)

7214	Electrical Transit Equipment Supervisor
7216	Electrical Transit Shop Supervisor I
7225	Transit Paint Shop Supervisor I
7230	Fire Department Water System Supvr. I
7232	Hetch Hetchy Mechanical Shop Supervisor
7233	Glazier Supervisor I
7235	Transit Power Line Supervisor I
7238	Electrician Supervisor I
7239	Plumber Supervisor I
7240	Water Meter Shop Supervisor I
7242	Painter Supervisor I
7244	Power Plant Supervisor I
7246	Sewer Repair Supervisor II
7248	Steamfitter Supervisor II
7250	Utility Plumber Supervisor I
7251	Truck Maintenance Worker Supvr. I
7253	Electrical Transit Mechanic Supervisor I
7255	Power House Electrician Supervisor I
7256	Electric Motor Repair Supvr. I
7257	Communication Line Supervisor I
7259	Water and Power Maintenance Supervisor I
7258	Maintenance Machinist Supervisor I
7273	Communications Line Worker Supervisor II
7274	Transit Power Line Worker Supervisor II
7275	Cable Splicer Supervisor I
7276	Electrician Supervisor II
7277	City Shops Asst. Superintendent
7278	Painter Supervisor II
7279	Powerhouse Electrician Supervisor I
7281	Street Cleaning Supervisor II
7284	Utility Plumber Supervisor II
7285	Transmission Line Worker Supervisor II
7287	Supervising Electronic Maint. Technician
7288	Signal System Maintenance Superintendent
7329	Electronic Maint. Technician Asst. Supvr.
7349	Steamfitter Assistant Supervisor
7386	Utility plumber Assistant Supervisor
8126	Sr. Investigator, Office of Citizen Complaints
8190	Attorney, Tax Collector
8230	Chief Museum Guard
8247	Emergency Planning Coordinator
8324	Supervising Counselor, Juvenile Court
8326	Assistant Director, Boys Ranch School
8440	Probation Officer
8442	Senior Probation Officer
8446	Court Alternative Specialist
9139	Transit Supervisor
9140	Transit Manager I

Applicability: The provisions of Article VI, Rule 17, apply only to employees in the classes enumerated.

Sec. 17.20 Probationary Period for Certain Miscellaneous Employees (cont.)

9141	Transit Manager II
9155	Claims Investigator
9156	Senior Claims Investigator
9157	Claims Adjuster
9158	Assistant Claims Adjuster
9173	Systems Safety Inspector
9217	Deputy Chief, Bureau of Airport Police
9241	Airport Electrician Supvr.
9344	Roofer Supervisor I
9350	Harbor Police Officer
9358	Crane Mechanic Supervisor
9360	Construction & Maintenance Supvr. II, Port

Sec. 17.21 Probationary Period for Certain Registered Nurse Classes

The Civil Service Commission has established a one-year probationary period for the classes listed below which are covered under Charter Section 8.403 - Compensation for Registered Nurse Classes:

2322	Head Nurse
2324	Nursing Supervisor
2326	Nursing Supervisor Psychiatric
2342	Head Nurse, Surgery
2350	Instructor of Nursing
2352	Asst. Dir. of Nursing, Staff Dev. & Research
2366	Asst. Director of Nurses, LHH
2368	Asst. Director of Nurses, SFGH

Sec. 17.22 Probationary Period for Appointees to the Entrance Uniformed Rank of the San Francisco Police Department

The probationary period for appointees to the entrance uniformed rank of the San Francisco Police Department (Class Q2) shall be completed after 12 months' service from the day following completion of the prescribed department field training officer program, but in no case to exceed 84 weeks from the date of appointment.

Sec. 17.23 Employees of the San Francisco Unified School District and the San Francisco Community College District

Employees in the following classes at the San Francisco Unified School District or the San Francisco Community College District shall serve a one-year probationary period:

- 1550 Exec. Asst. to the Board of Education
- 1661 Asst. Fiscal Officer Board of Education
- 1809 Administrative Asst. to the Supt. of Schools
- 1832 Business Manager, City College
- 1890 Manager, Data Processing, SFUSD
- 1939 Schools Warehouse Supervisor
- 2977 Education Integration Specialist
- 2979 Student Assignment Manager, Board of Ed.
- 2981 Manager, Intake Center, SFUSD
- 5269 School Architectural Coordinator
- 6340 School Construction Coordinator
- 7209 School Heating and Ventilation Supervisor
- 7262 Maintenance Planner, SFUSD
- 7263 Maintenance Manager, SFUSD
- 7374 Chief Engineer, KALW Station
- 9178 School Transportation Supervisor

Rule 18

Conflict of Interest

Applicability: Unless otherwise noted, the provisions of Rule 18 apply to employees in all classes.

Sec. 18.1 **Charter Restriction**

Sec. 18.2 **Additional Part-Time Employment**

Sec. 18.3 **Activities Other Than Employment Where Income, Profit, or
Other Gain is or May be Accrued**

Sec. 18.4 **Penalties**

Sec. 18.5 **Human Resources Director to Act on Requests**

Rule 18

Conflict of Interest

Applicability: Unless otherwise noted, the provisions of Rule 18 apply to employees in all classes.

Sec. 18.1 **Charter Restriction**

No officer or employee of the City shall engage in any activity, employment, business, professional work, or enterprise which is inconsistent, incompatible, or in conflict with official or assigned duties, or with the duties, functions and responsibilities of the employee or officer's appointing power, or the department, office or agency by which employed. Rules and regulations to effectuate the purposes and intent of the Charter may provide restrictions against activities, employment, and enterprise when such restrictions are found necessary for the preservation of the honor or efficiency of the City civil service, or for the protection of the best interests of the City service in any respect. (Section 8.105 of the Charter.)

Sec. 18.2 **Additional Part-Time Employment**

18.2.1 Except with the approval of the Human Resources Director as herein provided, no person holding a full-time position under permanent or temporary civil service appointment (other than officers and members of the Fire and Police Departments who are subject to the Rules of their respective Commission), shall engage in any employment, position or service (hereinafter for purposes of this section referred to collectively as "employment") in or out of the service of the City in which the employee is required to perform any duties for another employer or appointing officer, and for which the employee is to receive compensation in any form, including salary, wage, fee, commission, or emolument.

18.2.2 Officers or employees who offer their services as independent contractors are not required to obtain approval of the Human Resources Director under Section 18.2 of this Rule, but are governed by the provisions of Section 18.3. An independent contractor is one who is rendering services for another and is not under the control and direction of the other but is in the pursuit of an independent calling. For purposes of this Rule, the determination of an individual's status as an independent contractor is based upon a review of the person's income from the secondary activity, i.e., if deductions are made for Workers' Compensation, Social Security or Unemployment Insurance, then the person is not considered to be an independent contractor.

Applicability: Unless otherwise noted, the provisions of Rule 18 apply to employees in all classes.

Sec. 18.2 Additional Part-Time Employment (cont.)

18.2.3 Approval of the Human Resources Director, in accordance with the provisions of this Rule, shall be requested on a form provided by the Department of Human Resources. Such form shall include the following:

- 1) Approval of the appointing officer;
- 2) A statement reporting the nature of the other part-time employment;
- 3) The usual place of such other employment and the work schedule and number of hours of service required of the employee per day and per week;
- 4) The signature of the official or person for whom or under whom the employment is to be performed, and a statement by such person that it is understood that the employee is regularly employed in the City service on a full-time basis; and
- 5) A statement that approval, if granted, shall not be for more than six months, and if extension is desired, a new request form must be submitted.

18.2.4 Requests to engage in additional employment under the provisions of this Rule will not be approved by the Human Resources Director unless there is compliance with the following condition:

- 1) That the employment will not impair the efficiency or interfere in any way with the full and proper performance of the employee's regular civil service employment;
- 2) That the employment will not be in a field where substantial unemployment exists;
- 3) That reason exists such as economic need or other special reason for the employee to engage in such employment;
- 4) That the performance of such employment is in no way inconsistent, incompatible or in conflict with assigned civil service duties or responsibilities of the employee's department or appointing officer;
- 5) That the performance of such employment will not be contrary to the interests of the City service generally and will not lead to situations which would reflect discredit on the City service.

Applicability: Unless otherwise noted, the provisions of Rule 18 apply to employees in all classes.

Sec. 18.2 Additional Part-Time Employment (cont.)

18.2.4 (cont.)

6) That such employment will not require more than 20 hours per week, nor more than three hours in any day, or involve any duty whatsoever of the employee during the employee's regular City work schedule. An exception to the limitation of three hours of employment on any day may be made by the Human Resources Director when the additional employment is for the purpose of accepting relief assignments in any emergency service of the City government or when the Human Resources Director deems that other compelling reasons exist for the approval of an exception to the three hour limitation; and

7) That the employment will not be in a hazardous occupation that would involve a substantial risk of injury to the employee. The Human Resources Director will determine whether such employment is unduly hazardous and will be guided in making a determination by the Manual of Rules, Classifications and Basic Rates for Workers' Compensation Insurance as published by the California Inspection Rating Bureau.

Sec. 18.3 Activities Other Than Employment Where Income, Profit, or Other Gain is or May be Accrued

- 18.3.1** No officer or employee shall participate in any activity or enterprise where income, profit or other gain is or may be accrued, which could reflect on the honor or efficiency of the City service, or be contrary to the best interests of the City service in any respect.
- 18.3.2** Appointing officers shall report to the Commission those activities or enterprises which, in accordance with the provisions of this section, should be prohibited to specific classifications or positions or departmental units under their jurisdiction.
- 18.3.3** The Commission shall calendar such report of the appointing officer for hearing and shall give notice of such hearing to parties of interest. If the report, or any part of the report, of the appointing officer is approved by the Commission, the appointing officer shall make such information concerning the approval by the Commission known to each employee affected, and the engagement in any such activity or enterprise shall thereafter be prohibited.
- 18.3.4** No officer or employee shall be involved through secondary parties in the engagement of any activity or enterprise which the employee is prohibited from engaging in directly, nor in that connection shall the employee lend, convey, or authorize the use of any information or resources under the employee's control.

Applicability: Unless otherwise noted, the provisions of Rule 18 apply to employees in all classes.

Sec. 18.4 **Penalties**

Violation of this Rule shall be deemed insubordination, subject to disciplinary action as provided in Sections 8.341 and 8.342 of the Charter.

Sec. 18.5 **Human Resources Director to Act on Requests**

The Human Resources Director is authorized to consider and act on requests for approval of part-time employment or activity in addition to full-time civil service employment in accordance with the provisions and requirements of this Rule and subject to the appeal provisions as provided elsewhere in these Rules.

Rule 19

Resignation

Applicability: Unless otherwise noted, the provisions of Rule 19 apply to employees in all classes.

Sec. 19.1 **Form**

Sec. 19.2 **Certification and Disposition**

Sec. 19.3 **Effective Date - When Final**

Sec. 19.4 **Satisfactory Service - Permanent Appointees**

Sec. 19.5 **Satisfactory Service - Probationary or Temporary Appointees**

Sec. 19.6 **Processing Resignations When No Written Notice**

Rule 19

Resignation

Applicability: Unless otherwise noted, the provisions of Rule 19 apply to employees in all classes.

Sec. 19.1 **Form**

A resignation shall be immediately reported on the prescribed form to the Department of Human Resources as provided below. If an employee resigns without completing the form, but otherwise gives notification in writing of the resignation, such notification shall be attached to the form.

Sec. 19.2 **Certification and Disposition**

The appointing officer shall certify on the resignation form whether the resignee's services have been satisfactory or unsatisfactory. The resignation shall be forwarded to the Human Resources Director for recordation if services were satisfactory and subject to review by the Civil Service Commission for determination of future employability if services were unsatisfactory.

Sec. 19.3 **Effective Date - When Final**

A resignation shall be final on the effective date entered on the resignation form and shall not thereafter be rescinded.

Sec. 19.4 **Satisfactory Service - Permanent Appointees**

A permanent appointee who has completed the probationary period, who resigns, and whose services have been certified as satisfactory by the appointing officer shall be permanently separated from such appointment except as provided in the reappointment provisions of the Appointment Rule.

Sec. 19.5 **Satisfactory Service - Probationary or Temporary Appointees**

An employee under probationary or temporary appointment who resigns and whose services have been certified as satisfactory by the appointing officer, shall be removed from the eligible list from which appointed; except upon written request and with the approval of the Human Resources Director, the name of the resignee may be returned to the eligible list from which appointed, if such list has not expired. Approved requests received by the third Friday of the month become effective on the first business day of the following month unless otherwise ordered by the Human Resources Director.

Applicability: Unless otherwise noted, the provisions of Rule 19 apply to employees in all classes.

Sec. 19.6 **Processing Resignations When No Written Notice**

The resignation procedure outlined under the automatic resignation procedures of these Rules shall not be used to remove employees who have indicated their intention to resign and who leave their positions in good standing without submitting a properly completed resignation form and who cannot be located for the purpose of signing a resignation form. Such employees are to be separated in accordance with the provisions of this Rule by submission from the appointing officer of an unsigned resignation with a letter of explanation attached. A copy of both the resignation and the accompanying letter are to be sent to the employee at the employee's last known address by certified mail.

Rule 20

Leaves of Absence

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Article I: Leaves of Absence - General Requirements

Article II: Sick Leave - General Provisions

Article III: Sick Leave With Pay

Article IV: Sick Leave Without Pay

Article V: Compulsory Sick Leave

Article VI: Disability Leave

Article VII: Military, War Effort and Sea Duty Leaves

Article VIII: Unpaid Administrative Leave or Furlough

Article IX: Other Leaves of Absence

Article X: Appeal Procedures

Rule 20

Leaves of Absence

Article I: General Requirements

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.1 **Leaves of Absence - General Requirements**

- 20.1.1** Leaves of absence, hereinafter referred to in this Rule as "leave," shall be governed by the provisions of this Rule. For the purpose of this Rule, "appointing officer" shall mean all elected officials; all department heads designated by the Charter as appointing officers; and all Boards and Commissions when officiating as appointing officers.
- 20.1.2** Requests for leave shall be subject to the approval of the appointing officer or designee. The decision of the appointing officer or designee is final unless provision for appeal is specifically granted in this Rule. Such requests for appeal shall be processed in accordance with the appeal procedure provided in this Rule. Requests for military, maternity, or witness or jury duty leave shall be granted as provided herein.
- 20.1.3** Except for vacation leave, witness or jury duty leave, compulsory sick leave, disability leave or unpaid administrative leave, an employee requesting a leave for more than five working days shall submit such request to the appointing officer or designee on the form prescribed by the Human Resources Director. Requests for sick leave in excess of five continuous working days shall be certified by a licensed medical doctor, doctor of dental surgery, doctor of podiatric medicine, licensed clinical psychologist, Christian Science Practitioner or licensed doctor of chiropractic. Verification of sick leave with pay for less than five working days (seven calendar days in the case of part-time employees) as provided elsewhere in this Rule shall be required on an individual basis only and shall be based upon an evaluation of the individual attendance record of an employee.
- 20.1.4** The Human Resources Director may direct that leave requests be retained in the department and maintained in a manner so as to be readily available for audit, review, or analysis by Department of Human Resources staff.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.1 Leaves of Absence - General Requirements (cont.)

- 20.1.5** Except as otherwise provided in these Rules, leave granted for the period stated on the prescribed form may be extended or abridged only with the approval of the appointing officer or designee. An employee who does not return to work on the approved date shall be deemed as away without official leave and shall be subject to automatic resignation as provided elsewhere in these Rules.
- 20.1.6** Except when an employee requesting sick leave has accumulated unused sick leave with pay credits and except for employees eligible for military leave with pay, witness or jury duty leave, disability leave or leave due to battery as provided elsewhere in this Rule, or for authorized holiday or vacation, leaves shall be without pay.
- 20.1.7** Except as provided in this Rule and the Probationary Period Rule and except for appointees to entrance positions in the uniformed ranks of the Police Department, Fire Department, Sheriff's Department, and the San Francisco International Airport Police Force, an employee who is granted a leave while serving a probationary period shall have such probationary period extended by the period of such leave in order to complete the required period of service. Disability leave shall extend the probationary period in all cases.
- 20.1.8** Exempt employees may be granted leaves in accordance with the provisions of this Rule. The decision of the appointing officer shall be final and not subject to appeal.
- 20.1.9** An appointee shall not be required to sign a resignation form as a condition of approval of a leave.
- 20.1.10** Leaves granted under this Rule shall be indicated on timerolls as designated by the Controller.
- 20.1.11** An authorized leave granted under this Rule shall not be considered as a break in the continuous service of an employee.

Rule 20

Leaves of Absence

Article II: Sick Leave - General Provisions

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes..

Sec. 20.2 Eligibility for Sick Leave

Subject to the provisions of this Rule, employees and officers (hereinafter called "employees") who are absent from their duties because of illness or disability are eligible for sick leave.

Sec. 20.3 Sick Leave - Exclusions from Eligibility

20.3.1 Sick leaves granted to members of the uniformed ranks of the Police and Fire Departments shall be regulated by Rules adopted respectively by the Police and Fire Commissions. These Rules and any amendments thereto shall be subject to the approval of the Commission and when so approved by the Commission shall be deemed as included in this Rule. Calculation of sick leave with pay credits, reimbursement for vested and unused accumulated sick leave with pay credits and any provision not covered in the Rules of the Police and Fire Departments shall be as provided in this Rule.

20.3.2 This Rule shall not apply to certificated employees of the School Districts, patrol special officers appointed by the Police Commission, employees under personal services contracts, elective officers, and members of Boards and Commissions.

Sec. 20.4 Verification of Sick Leave

20.4.1 The appointing officer or designee to whom application for sick leave is made may make such independent investigation as to the necessity for sick leave as is deemed proper and may require certification for any period of sick leave, provided that the employee has been previously notified in writing that such certification for absence of less than five working days shall be required.

20.4.2 The Human Resources Director may at any time make such independent investigation as may be deemed proper regarding the illness of any person on sick leave.

Sec. 20.5 Retirement Automatically Terminates Sick Leave

Sick leave shall automatically terminate on the effective date of an employee's retirement.

- **Applicability:** The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.6 Abridgment of Sick Leave

Sick leaves granted in excess of five working days may be abridged if the employee presents to the appointing officer or designee medical evidence of capability to resume all the duties of the position.

Sec. 20.7 Definition of Sick Leave

A leave granted under this Rule for one of the following reasons shall be known as "sick leave":

20.7.1 Sick Leave - Medical Reasons

Absence because of illness, including alcoholism, or injury other than illness or injury arising out of and in the course of City and County employment; absence due to illness or injury arising out of and in the course of employment is administered either under the Rules of the Retirement Board and is referred to as "disability leave" and may be supplemented as provided elsewhere in this Rule or under the provisions of this Rule and the Administrative Code for those employees injured by battery ("leave due to battery"); and absence because of medical or dental appointments.

20.7.2 Sick Leave - Quarantine

Absence during a period of quarantine established and declared by the Department of Public Health or other authority.

20.7.3 Sick Leave - Bereavement

Absence because of the death of the employee's spouse or domestic partner, parents, step parents, grandparents, parents-in-law or parents of a domestic partner, sibling, child, step child, adopted child, a child for whom the employee has parenting responsibilities, aunt or uncle, legal guardian, or any person who is permanently residing in the household of the employee. Such leave shall not exceed three working days and shall be taken within 30 calendar days after the date of death; however, two additional working days shall be granted in conjunction with the bereavement leave if travel outside the State of California is required as a result of the death.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.7 **Definition of Sick Leave (cont.)**

20.7.3 **Sick Leave - Bereavement (cont.)**

For absence because of the death of any other person to whom the employee may be reasonably deemed to owe respect; leave shall be for not more than one working day; however, two additional working days shall be granted if travel outside the State of California is required as a result of the person's death.

20.7.4 **Sick Leave - Maternity**

Absence due to the employee's pregnancy or convalescent period following childbirth. Such leave shall not exceed six months provided that such leave may be extended for permanent employees if a physician certifies that a longer convalescence period is required. Such extensions shall be subject to the provisions of this Rule governing sick leave without pay.

20.7.5 **Sick Leave - Illness or Medical Appointment of Child**

Absence because of the illness, injury, or medical or dental appointment of a biological or adoptive child, or child for whom the employee has parenting or child rearing responsibilities.

20.7.6 **Sick Leave - Compulsory**

Leave imposed by an appointing officer due to an employee's medical inability or incapacity to perform all the duties of the position as provided elsewhere in this Rule.

Rule 20 Leaves of Absence

Article III: Sick Leave with Pay

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.8 Sick Leave with Pay Eligibility

- 20.8.1** Sick leave with pay may be granted to employees who have earned sick leave with pay credits and who have served a total of six continuous months of regularly scheduled paid service except that supplemental disability credits may be used to supplement disability indemnity payments as provided elsewhere in this Rule regardless of length of service and except that an authorized leave of absence with or without pay granted under this Rule shall not be considered as a break in the continuous service of an employee.
- 20.8.2** A break in service of more than six continuous months by any employee other than an employee designated as a "holdover" will cause prior accumulated sick leave with pay credits to be canceled and eligibility for sick leave with pay must be re-established.
- 20.8.3** Sick leave with pay credits will continue to accrue at the normal rate while an employee is on either furlough or voluntary unpaid time off in accordance with this Rule, for a maximum of up to ten days per fiscal year for imposed furlough or 20 days per fiscal year for voluntary unpaid time off.

Sec. 20.9 Sick Leave with Pay - Maximum Accumulation of Credits

Sick leave with pay credits shall be cumulative but the accumulated balance of unused sick leave with pay credits shall not exceed the equivalent of six months which is 130 working days for members of the uniformed ranks of the Fire Department, and for other employees, the hourly equivalent of 130 working days based on the regular daily work schedule as defined, provided that in no case may the total accumulated unused sick leave with pay credit balance exceed 1040 hours for any employee. Maximum accumulated sick leave with pay credits shall be reduced proportionately for employees entering a class or position where the regular work schedule is less than the class exiting if such employees have accumulated unused sick leave with pay credits in excess of the maximum allowable for the new class or position. Such employees shall have all such credits restored upon return to a class or position with an increased regular work schedule.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.10 Sick Leave with Pay - Restrictions

- 20.10.1** Sick leave with pay is a privilege recognized by Charter and by Ordinance of the Board of Supervisors and should be requested and granted only in cases of absence because of illness which incapacitates the employee for the performance of duties or as otherwise defined in this Rule.
- 20.10.2** An appointing officer or designee may require proof of incapacitation before granting sick leave with pay for any period of time and may withhold pay for failure to submit such proof provided that the employee had been previously notified in writing that such proof would be required for absences of less than five working days.
- 20.10.3** The rate of earning and accumulating sick leave with pay credits and authorization for its use under this Rule shall in no way inhibit or restrict the right of an appointing officer to establish standards of attendance.

Sec. 20.11 Prohibition Against Employment While on Sick Leave with Pay

- 20.11.1** Employees are prohibited from working in any other employment while on sick leave with pay unless, after considering the medical reason for the sick leave with pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in a secondary employment subject to the provisions of these Rules governing such employment.
- 20.11.2** Violators of this section are subject to disciplinary action as provided in the Charter.

Sec. 20.12 Calculation of Sick Leave with Pay Credits

- 20.12.1** Except for members of the uniformed ranks of the Fire Department, sick leave with pay credits shall be earned at the rate of .05 hours for each hour of regularly scheduled paid service excluding, overtime exceeding 40 hours per week and holiday pay, except that an employee on disability leave shall earn sick leave with pay credits at the normal rate.
- 20.12.2** For members of the uniformed ranks of the Fire Department, sick leave with pay credits shall be earned at the rate of 13 working days per completed year of paid service; provided that an employee's balance shall be credited on a pro rata basis based upon the completion of regularly scheduled paid service for the employee's class, excluding overtime, but including holidays and other paid absences.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.12 Calculation of Sick Leave with Pay Credits (Cont.)

- 20.12.3** When provided in a Memorandum of Understanding, Class 2320 Registered Nurses who are regularly scheduled to work two 12 hour shifts every weekend in the pilot project shall earn sick leave with pay credits at the rate of .075 hours for each hour of regularly scheduled paid service actually worked during her/his regularly scheduled twelve hour shifts. This Rule shall apply only to those 2320 Registered Nurses who are regularly scheduled to work two 12 hour shifts on weekends in the San Francisco General Hospital Pilot Project.

Sec. 20.13 Disbursement of Sick Leave with Pay Credits

- 20.13.1** Sick leave with pay credits shall be used and deducted at the minimum rate in units of one hour for those employees whose credits are calculated in hours. The minimum deduction for members of the uniformed ranks of the Fire Department shall be determined by departmental Rule.
- 20.13.2** When provided in a Memorandum of Understanding, Class 2320 Registered Nurses who are regularly scheduled to work two 12 hour shifts every weekend in the pilot project, and who use sick leave during any portion of such shifts, shall be entitled to use and deduct sick leave with pay credits at the rate of 1.5 hours for each hour of such sick leave, e.g., sick leave for four hours of a shift = six hours sick leave with pay. The benefits of this Rule shall be available only to a 2320 Registered Nurse who is regularly scheduled to work two 12 hour shifts on weekends in the San Francisco General Hospital Pilot Project, and who is required to use sick leave during some of all of her/his regularly scheduled 12 hour shifts on weekends during the pilot project.

Sec. 20.14 Conversion of Sick Leave with Pay Credits from Days to Hours

Except for members of the uniformed ranks of the Fire Department, sick leave with pay credit balances shall be converted from days to hours based on the equivalent number of hours in such employee's sick leave with pay credit balances. The equivalent number of hours shall be based on the employee's authorized normal daily work schedule in effect on the effective date of this amended Rule, except if the Human Resources Director determines that such conversion is inequitable and allows another formula to be used.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.15 Employees Injured by Battery

- 20.15.1** An employee absent because of bodily injury or illness received in the course of employment and caused by an act of criminal violence shall be entitled to sick leave with pay under the provisions of the Administrative Code.
- 20.15.2** Sick leave with pay under this section shall be known as "leave due to battery" and shall be subject to approval by the Human Resources Director. The Human Resources Director shall make such investigation as is deemed appropriate and may include medical examinations by a physician(s) designated by the Human Resources Director.
- 20.15.3** The decision of the Human Resources Director may be appealed to the Commission whose decision is final.
- 20.15.4** Authorized sick leave under this section shall not be charged against earned sick leave with pay credits.

Sec. 20.16 Appeal of Denial of Sick Leave with Pay

Denial of sick leave with pay to an appointee who is eligible and qualified for such leave is appealable as provided elsewhere in this Rule.

Sec. 20.17 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance

- 20.17.1** An employee who had accumulated unused sick leave with pay credits and who had completed the service requirement on or before December 5, 1978, shall upon the effective date of retirement for service or disability, or upon the date of death, or upon the date of separation caused by industrial accident, be reimbursed for the accumulated unused sick leave with pay credit balance which had been earned on or before December 5, 1978, and not subsequently used ("vested and unused accumulated sick leave with pay credits") in accordance with the following schedule of service requirements and allowances.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.17 Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credits Balance (cont.)

Schedule of Service Requirements and Allowances for Reimbursement of Vested and Unused Accumulated Sick Leave with Pay Credit Balance at the Time of Retirement, Separation Because of Accident or Death	
Service Requirement	Amount of Cash Reimbursement
15 or more years of service	100%
More than 5 continuous years but less than 15 continuous years of service	50%
Up to and including 5 continuous years of service	33.3%

20.17.2 Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be further subject to the following:

- 1)** The Human Resources Director shall administer the provisions of this section.
- 2)** Deduction shall be made from the unused accumulated sick leave with pay credit balance which existed on December 5, 1978, in an amount proportional to any credits used of that balance. Reimbursement shall be made only for the adjusted amount with all credits from the December 5, 1978, balance subsequently used being deducted.
- 3)** Reimbursement for the vested and unused accumulated sick leave with pay credit balance shall be payable at the time of retirement, separation caused by industrial accident or death, or at a later date when so selected by the employee, but within one year of such retirement, separation or death.
- 4)** Reimbursement is to be computed at the base rate of pay of an employee's permanent class, at the base rate of pay of the class of a temporary or provisional employee with no permanent status, or at the base rate of pay in a temporary or provisional appointment of an employee with permanent status in another class who has held such temporary or provisional appointment continuously for one or more years at the time of separation.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

**Sec. 20.17 Reimbursement of Vested and Unused Accumulated Sick Leave
with Pay Credits Balance (cont.)**

20.17.2 (cont.)

5) No reimbursement shall be made for unused sick leave with pay credits earned on or after December 6, 1978.

6) The enactment of this section is not intended to constitute additional compensation, nor be a part of the rate of pay of the employee, but is reimbursement for the vested and unused accumulated sick leave with pay credit balance to which an employee would have been entitled if the employee had not retired, separated due to industrial injury or died.

Rule 20

Leaves of Absence

Article IV: Sick Leave without Pay

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.18 Sick Leave without Pay - Eligibility

Subject to the provisions of this section, sick leave without pay may be granted to employees who are not eligible for sick leave with pay or, subject to the approval of the appointing officer or designee, employees may choose not to use their sick leave with pay credits.

Sec. 20.19 Sick Leave without Pay - Temporary and Provisional Employees

Sick leave without pay may be granted to temporary or provisional employees. Such leave shall be renewed monthly and shall not be extended beyond three calendar months except for sick leave - maternity.

Sec. 20.20 Sick Leave without Pay - Permanent Employees

- 20.20.1** Sick leave without pay may be approved for permanent employees for the period of the illness provided that requests for prolonged leave shall be renewed every three months and provided further that such leave shall not be extended beyond a period of one continuous year unless the physician designated by the Human Resources Director advises that there is a reasonable probability that the employee will be able to return to employment.
- 20.20.2** If the physician designated by the Human Resources Director determines that there is no reasonable probability that the employee will be able to return to duty, the appointing officer shall have good cause for discharge.
- 20.20.3** The physician designated by the Human Resources Director may defer certification of capability for additional periods of three month intervals up to one additional year.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.21 **Prohibition Against Employment While on Sick Leave Without Pay**

20.21.1 Employees are prohibited from working in any other employment when on sick leave without pay unless, after considering the medical reason for the sick leave without pay, the appointing officer with the approval of the Human Resources Director, grants permission for the employee to engage in outside employment.

20.21.2 Violators of this section are subject to disciplinary action.

Rule 20

Leaves of Absence

Article V: Compulsory Sick Leave

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.22 Compulsory Sick Leave

- 20.22.1** An appointing officer or designee who has reason to believe that an employee is not medically or physically competent to perform assigned duties, and if allowed to continue in employment or return from leave may represent a risk to co-workers, the public and the employee, may require the employee to present a medical report from a physician designated by the Human Resources Director certifying the employee's medical or physical competency to perform the required duties.
- 20.22.2** If the employee refuses to obtain such physician's certificate or if as a result of a medical evaluation, the employee is found not to be medically or physically competent, the appointing officer or designee may place the employee on compulsory sick leave and shall immediately report such action to the Human Resources Director.
- 20.22.3** An employee shall remain on compulsory sick leave until such time as the employee is found to be competent to return to duty by a physician designated by the Human Resources Director, but such leave shall not exceed the maximum period of sick leave provided in this Rule.
- 20.22.4** The employee placed on sick leave under the provisions of this section may appeal as provided under the appeal provisions of the Rules governing medical examination Rule.
- 20.22.5** An employee placed on compulsory sick leave is ineligible for employment with the City and County and shall be placed under waiver on all lists on which the employee's name appears and shall otherwise be unemployable.

Rule 20

Leaves of Absence

Article VI: Disability Leave

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.23 **Disability Leave**

- 20.23.1** Absence due to illness or injury arising out of and in the course of employment is defined as "disability leave" and is administered under the State Workers' Compensation Laws and the Rules of the Retirement Board.
- 20.23.2** An employee who is absent because of disability leave and who is receiving disability indemnity payments may request, by submitting a signed option statement to the employee's department no later than 90 days following the employee's release from disability leave, that the amount of disability indemnity payment be supplemented with salary to be charged against the employee's supplemental disability credits so as to equal the full salary the employee would have earned for the regular work schedule. The regular work schedule shall be that schedule in effect at the commencement of the disability leave.
- 20.23.3** Supplemental disability credits shall be an account separate from, but equivalent to, the employee's accumulated unused sick leave with pay credit balance except that the supplemental disability credit account shall be adjusted as provided below.
- 20.23.4** Failure to exercise the option to supplement disability indemnity payments within 90 calendar days following release from disability leave will preclude later requests.
- 20.23.5** Supplemental disability credits shall be used at the minimum rate in units of one hour.
- 20.23.6** The employee's department shall submit separate timerolls to reflect this action only after the Retirement System certifies the amount of disability indemnity payment, if any, for the period.
- 20.23.7** Salary may be paid on regular timerolls and charged against the unused sick leave with pay credit balance during any period prior to the commencement of the determination of eligibility for disability indemnity payment without requiring a signed option by the employee.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.23 **Disability Leave (cont.)**

- 20.23.8** When an employee has used sick leave with pay credits and the Retirement System subsequently determines that the employee was entitled to disability indemnity payment for the period of absence, provision shall be made for adjusting the employee's sick leave with pay credit balance and for reimbursing the appropriate City fund for the amount of sick leave with pay credits charged and paid.
- 20.23.9** An employee who uses supplemental disability credits to supplement disability indemnity payments shall, while on disability leave, earn supplemental disability credits at the same rate as sick leave with pay credits.
- 20.23.10** Upon return to duty, an employee who has used supplemental disability credits shall earn sick leave with pay credits at the normal rate and shall earn supplemental disability credits at twice the rate that sick leave with pay credits are earned until such time as the total hours of supplemental disability credits used are regained.
- 20.23.11** Should an employee suffer a recurrence or a new injury before all supplemental disability credits are regained, the supplemental disability credit balance shall be that balance existing at the beginning of the pay period in which the recurrence or new injury occurs and shall be adjusted for the amount of supplemental disability credits subsequently earned and sick leave with pay credits subsequently used.

Sec. 20.24 **Use of Sick Leave with Pay Credits to Supplement State Disability Insurance**

- 20.24.1** Sick leave with pay credits shall be used to supplement State Disability Insurance (SDI) at the minimum rate in units of one hour.
- 20.24.2** SDI payments to an employee who qualifies and who has accumulated and is eligible to use sick leave with pay credits shall be supplemented with sick leave with pay credits so that the total of SDI and sick leave with pay calculated in units of one-hour provides up to, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.24 Use of Sick Leave with Pay Credits to Supplement State Disability Insurance (cont.)

- 20.24.3** An employee who wishes not to supplement, or who wishes to supplement with compensatory time or vacation, must submit a written request on a form prescribed by the Human Resources Director to the appointing officer or designee within seven calendar days following the first date of absence.
- 20.24.4** Employees who are supplementing SDI earn sick leave with pay credits at the normal rate only for those hours of sick leave with pay credits used.

Rule 20

Leaves of Absence

Article VII: Military, War Effort and Sea Duty Leaves

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.25 **Military Leave**

20.25.1 Military leave is governed by the provisions of applicable Federal and State laws, by Charter provision and by this Rule.

20.25.2 **Time of War - Definition**

The phrase "time of war" is defined elsewhere in these Rules.

20.25.3 **Military Leave - Time of War**

Leaves of absence shall be granted to officers and employees for service in the armed forces of the United States or the State of California or for service on ships operated by or for the United States government in time of war and for a period not to exceed three months after the conclusion of such service, but not later than one year after the cessation of hostilities, except in case of disability incurred while in active service with the armed forces or the merchant marines when such disability shall extend beyond such period.

20.25.4 **Military Leave - Time of Peace**

Whenever any officer or employee shall, by order of the government of the United States or by lawful order of any of its departments or officers, or by lawful order of the State of California, or any of its departments or officers, be directed in time of peace to report and serve in the armed forces of the United States, or in the armed forces of the State of California, said officer or employee shall be entitled to a leave of absence from the employee's office or position during the time of such service and for a period not to exceed three months after the expiration thereof.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.25 Military Leave (cont.)

20.25.5 Military Leave - Permanent Appointees

Any officer or employee on military leave, who prior to such leave has been appointed to a permanent position in the City and County service, shall be entitled to resume such position at the expiration of the leave, and in determining and fixing rights, seniority, salary and otherwise which have accrued and shall inure to the benefit of such officer or employee, the term of military leave shall be considered and accounted as part of the employee's service to the City and County.

20.25.6 Military Leave - Proof of Duty

Officers and employees requesting military leave shall file with the Human Resources Director a copy of the orders necessitating such service prior to the effective date of the leave of absence and upon return from such leave shall submit a copy of the discharge or release.

20.25.7 Military Leave - Salary While on Temporary Leave

Employees who have been employed by the City and County or any other public agency or have been on military duty for a period of not less than one year continuously prior to the date upon which temporary military leave not exceeding 180 calendar days begins shall, as required by the State of California Military and Veterans' Code (Section 395), receive their regular salary or compensation for a period not to exceed 30 calendar days of such military leave in any fiscal year or more than 30 calendar days during any period of continuous military leave.

20.25.8 Military Leave - Probationary Appointees

Military leave taken during a probationary period shall not extend the probationary period.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes..

Sec. 20.25 Military Leave (cont.)

20.25.9 Military Leave - Eligible Not Reached for Certification While in Service - Time of War

An eligible on a regular civil service list, who served on active military duty not including reserve service during time of war who presents an honorable discharge or certificate of honorable active service within one year from the date of release from military service, shall be preferred for certification for a period of four years after the cessation of hostilities in the order of standing upon the eligible list at the time of entrance into military service and before candidates procuring standing through an examination held subsequent to the entrance of such eligibles into the military service.

20.25.10 Military Leave - Eligibles Reached for Certification

If while in the military service, the name of an eligible was reached for certification to a permanent position and the eligible presents an honorable discharge or certificate of honorable active service within one hundred and 120 days from the date of release from active military duty not including reserve service during time of war, the eligible shall be certified to a position in the class for which so reached; and, for all purposes of seniority, the date of certification if appointed, shall be deemed to be the date when the eligible was reached for certification while in the military service. A person appointed in accordance with this section shall serve the required probationary period. An eligible who is offered appointment in accordance with the provisions of this section and who waives appointment and is subsequently certified after withdrawal of waiver shall have seniority as of the date of such certification.

20.25.11 Military Leave - Participants in Written Examinations

Persons who participate in a written examination and who present their orders or other proof of service within 120 days from the date of release from active military service in time of war shall be allowed to participate in the remaining parts of the examination. If they meet all the eligibility qualifications, they shall be certified as of the date they would have been reached for certification in accordance with their rank based on the entire examination.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.25 **Military Leave (cont.)**

20.25.12 Military Leave - Employees or Officers Not Subject to Civil Service Examination

Military leave to an elected or appointed officer, appointed for a definite period of time, shall not be extended beyond the period of time for which elected or appointed, provided that if such officer is re-elected or reappointed, then military leave shall be automatically extended for such ensuing period of time.

Military leave to an employee occupying a position exempt from civil service examination shall not extend beyond the period of time for which the employee's appointing officer was elected or appointed.

Sec. 20.26 **War Effort Leave**

The Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees during time of war for service directly connected with the prosecution of the war or national defense or preparedness.

Sec. 20.27 **Leave for Sea Duty as Licensed Officers**

In time of war or while any act authorizing compulsory military service or training is in effect, the Board of Supervisors may provide by ordinance that leaves of absence shall be granted to officers and employees for sea duty as licensed officers aboard ships operated by or for the United States government. The Commission shall amend this section to implement such ordinance.

Rule 20

Leaves of Absence

Article VIII: Unpaid Administrative Leave or Furlough

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.28 Unpaid Administrative Leave or Furlough

20.28.1 General Provisions

1) Notwithstanding the layoff and involuntary leave provisions or any other provisions of these Rules, an appointing officer is authorized to impose unpaid administrative leave (furlough) on any employee within that appointing officer's jurisdiction as provided in this section. The imposition of furloughs shall be subject to receipt of a Projected Deficit Notice (PDN) from the Controller stating that the department's budget will be insufficient to support the department's level of spending through the end of the fiscal year.

2) The authority of the appointing officer to impose furloughs shall be limited to those furloughs necessary to correct the projected deficit identified by the Controller.

3) This Rule shall apply to all employees of the City and County.

4) The Superintendent of the San Francisco Unified School District and the Chancellor of the San Francisco Community College District shall also be authorized to furlough any employee in the classified service upon their individual determinations that, based upon a review of projected revenues and expenditures, the budget will be insufficient to support the District's level of spending through the end of the fiscal year.

5) No provision of Layoff and Involuntary Leave, including but not limited to any provision regarding the order of layoff, displacement of less senior employees, or reinstatement, shall be applicable to any employees furloughed hereunder.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.28 Unpaid Administrative Leave or Furlough (cont.)

20.28.2 Voluntary Unpaid Time Off

1) Prior to imposing a furlough on any employee, an appointing officer shall attempt to determine, to the extent feasible and with due consideration for the time constraints which may exist for eliminating the projected deficit, the interest of employees within the appointing officer's jurisdiction in taking unpaid personal time off on a voluntary basis.

2) The appointing officer shall have full discretion to approve or deny requests for voluntary unpaid time off based on the operational needs of the department and any court decrees or orders pertinent thereto. The decision of the appointing officer shall be final except in cases where requests for voluntary unpaid time off in excess of ten working days are denied. In such cases, an employee may appeal in accordance with the procedures provided below for appealing imposition of furlough.

3) An employee shall be entitled to take up to ten unpaid days per fiscal year at the rate of no more than five days in a three month period, at the employee's discretion, upon at least 15 calendar days prior written notice to the employee's appointing officer. Such request shall not be denied except for the reason of a requirement that such position be filled on an overtime or premium pay basis, for essential operational needs or the requirements of a court decree or order.

20.28.3 Furloughs

1) Appointing officers are encouraged to furlough entire operational units within departments rather than individual employees; or stagger work hours within an operational unit on a reduced hours basis. The decision of the appointing officer to impose furloughs under this subsection, and the appointing officer's determination of what constitutes an operational unit, shall be final.

2) Where, in the discretion of the appointing officer, furlough of an operational unit as prescribed above is not feasible, individual employees within an operational unit may be furloughed.

3) To the extent practicable, furlough shall be equitably distributed among all of the employees in the affected department or operational unit to which the Projected Deficit Notice (PDN) has application; and, all of the employees in the affected class(es).

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.28 Unpaid Administrative Leave or Furlough (cont.)

20.28.3 Furloughs (cont.)

4) In determining which employees to furlough, an appointing officer shall consider citywide seniority within a class as well as considering the operational needs of the department.

5) In no event shall furlough be imposed upon an employee for more than four days in any three month period or ten days in any fiscal year. Voluntary time off not to exceed a total of five days per quarter or ten days per year, approved pursuant to this section, shall be credited toward the maximum number of furlough days which may be imposed pursuant to this Rule.

6) Employees placed on furlough pursuant to this section shall be notified in writing at least 15 calendar days in advance of the effective date for the furlough.

7) The decision to furlough an individual employee within an operational unit shall be final except that an employee given notice of a furlough, which taken together with an employee's prior furloughs in the same fiscal year would exceed five working days within any six month period, may file an appeal. Such appeals must be in writing and filed within three calendar days of the date of the notice of furlough with the Human Resources Director with a copy to the appointing officer. Within three calendar days after receiving the appeal, the Department of Human Resources shall refer the written appeal and the appointing officer's written comments, if any, for determination to the Human Resources Director, the Mayor and the Controller, or their designees, who shall meet on no less than 24 hours public notice. The determination regarding the appeal shall be rendered within seven calendar days of the date of the appeal. This decision is final and shall not be reconsidered by the Commission. The Human Resources Director shall notify the employee and the appointing officer of the decision prior to the effective date of the furlough.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.28 Unpaid Administrative Leave or Furlough (cont.)

20.28.4 Restrictions on Use of Paid Time Off While on Voluntary Unpaid Time Off or Furlough

1) All voluntary unpaid time off or furlough imposed or granted pursuant to this section shall be without pay.

2) Employees granted voluntary unpaid time off or placed on furlough are precluded from using sick leave with pay credits, vacation credits, compensatory time off credits, floating holidays, training days or any other form of pay for the time period involved.

20.28.5 Imposition of Furlough - Fair Labor Standards Act (FLSA) Restrictions

1) Furlough for employees who are non-exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one hour.

2) Furlough for employees who are exempt under the Fair Labor Standards Act (FLSA) shall be imposed in minimum increments of one day.

20.28.6 Vacation and Sick Leave with Pay Accruals While on Voluntary Unpaid Time Off or Furlough

Subject to passage of necessary ordinances by the Board of Supervisors, vacation and sick leave with pay accruals shall continue during a maximum of ten days of furlough in any fiscal year, or a maximum of 20 days for approved voluntary unpaid time off taken pursuant to this Section in any fiscal year.

20.28.7 Duration and Revocation of Voluntary Unpaid Time Off or Furlough

Furlough imposed upon an employee shall remain in force for the period specified in the written notice unless sooner revoked by written notice from the appointing officer. Approved voluntary unpaid time off taken pursuant to this section may not be changed by the appointing officer without the employee's consent.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.28 **Unpaid Administrative Leave or Furlough (cont.)**

20.28.8 **Resolution of Disputes**

Except as provided elsewhere in this section, the Human Resources Director shall act on all disputes arising out of the application or implementation of the provisions of this section. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission.

Rule 20

Leaves of Absence

Article IX: Other Leaves of Absence

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.29 Leave to Accept Other City and County Position

20.29.1 Leave by an employee who has completed the probationary period to accept exempt or temporary appointment in the City and County service may be approved for the duration of such appointment. Such leave by a probationary employee is subject to the provisions of the Rule governing the Probationary Period.

20.29.2 Denial of such leave by the appointing officer is appealable as provided elsewhere in this Rule.

Sec. 20.30 Educational Leave

20.30.1 Educational leave is defined as leave for the purpose of educational or vocational training in a field related to the employee's current position and as any training to which a veteran is entitled pursuant to the laws of the United States or the State of California.

20.30.2 Educational leave may be approved for permanent appointees for a period of up to one year. Requests for educational leave of longer than one year must be renewed each year.

20.29.3 Denial of educational leave is appealable as provided elsewhere in this Rule.

20.30.4 An employee on educational leave shall not accept other employment without approval of the appointing officer and the Human Resources Director, except for employment in vacant positions with the City and County during school vacations.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.30 Educational Leave (cont.)

20.30.5 As soon as records are available, the employee shall periodically present to the appointing officer a record of completed educational work. These records shall be maintained in such a manner as to be readily available for audit by Department of Human Resources staff. Failure to submit an acceptable record of completed educational work shall subject the employee to disciplinary action as provided in the Charter.

Sec. 20.31 Leave for Civilian Service in the National Interest

20.31.1 Civilian service in the national interest is defined as leave to serve with a federal, state or other public agency or non-profit organization in a program or in a capacity which the Human Resources Director deems to be in the national or general public interest.

20.31.2 Such leave may be approved for permanent appointees for a period of up to one year. Requests for such leave of longer than one year must be renewed each year.

20.30.3 Denial of such leave is appealable as provided elsewhere in this Rule.

Sec. 20.32 Leave for Employment as an Employee Organization Officer or Representative

20.32.1 Leave for employment as an employee organization officer or representative is defined as leave to serve full-time as an officer or representative of an employee organization whose membership includes City employees, or to attend a convention or other type of business meeting of an employee organization as an officer or delegate of the employee organization.

20.32.2 Leave for permanent appointees may be approved for the duration of such service.

20.32.3 Denial of such leave is appealable as provided elsewhere in this Rule.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.33 **Family Care Leave**

20.33.1 **Definition of Family**

A unit of interdependent and interacting persons, related together over time by strong social and emotional bonds and/or by ties of marriage, birth, and adoption, whose central purpose is to create, maintain, and promote the social, mental, physical and emotional development and well being of each of its members.

20.33.2 Permanent employees who have one or more years of continuous service in any status may be granted up to one year of unpaid family care leave for the following reasons:

- 1) The birth of a biological child of the employee;
- 2) The assumption by the employee of parenting or child rearing responsibilities. Family care leave does not apply to an employee who temporarily cares for a child for compensation, such as a paid child care worker;
- 3) The serious illness or health condition of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities; or
- 4) The mental or physical impairment of a family member of the employee, the employee's spouse or domestic partner, a parent of the employee or the employee's spouse or domestic partner, the biological or adoptive child of the employee, or a child for whom the employee has parenting or child rearing responsibilities, which impairment renders that person incapable of self-care.

20.33.3 Family care leave is unpaid leave. Such leave may be granted in addition to accumulated compensatory time off, vacation time, floating holiday time or sick leave as specified under Sick Leave - Illness or Medical Appointment of Child.

20.32.4 Denial of family care leave is appealable as provided elsewhere in this Rule.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.34 **Witness or Jury Duty Leave**

- 20.34.1** An employee who is summoned as a witness on behalf of the City and County or juror for a judicial proceeding shall be entitled to leave with pay less the amount of juror or witness fee paid for the period required for such service (Charter Section 8.400G). An employee who is summoned to serve as a witness in cases which involve outside employment or personal business affairs shall be placed on leave without pay unless vacation leave or compensatory time is requested and granted.
- 20.34.2** Paid witness or jury duty leave shall be only from an employee's scheduled duty time and shall not include hours outside of scheduled hours of work or on days off.
- 20.34.3** Such employees shall notify the appointing officer immediately upon receiving notice of jury duty.
- 20.34.4** An employee who takes vacation leave while on witness or jury duty leave shall receive regular salary.
- 20.34.5** Approved leaves granted under this section shall not extend the probationary period.

Sec. 20.35 **Holiday Leave**

Holiday leave shall be as provided by ordinance of the Board of Supervisors.

Sec. 20.36 **Vacation Leave**

Vacation leave shall be as provided in the Charter and by ordinance of the Board of Supervisors.

Sec. 20.37 **Involuntary Leave of Absence**

- 20.37.1** Whenever it becomes necessary to effect a reduction in force due to lack of work or lack of funds which shall result in the displacement of a permanent or probationary appointee from the City and County service, an appointing officer, notwithstanding other provisions of these Rules governing leaves of absence, shall place such employees on a leave of absence of an involuntary nature unless the employee elects to be laid off.

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.37 **Involuntary Leave of Absence (cont.)**

- 20.37.2** Such reductions in force shall be effected by the provisions of this Rule governing seniority and order of layoff.
- 20.37.3** Employees placed on an involuntary leave of absence shall be ranked on the holdover roster for the class from which laid off and shall be returned to duty as provided in this Rule.
- 20.37.4** Leaves of absence imposed under the provisions of this Rule shall expire upon the return to duty of the holdover, upon the expiration of holdover status, or upon written request of the employee to elect to be laid off while on involuntary leave.

Sec. 20.38 **Religious Leave**

- 20.38.1** Employees may be granted leave when personal religious beliefs require that the employee abstain from work during certain periods of the work day or work week. Such leave shall be known as "Religious Leave."
- 20.38.2** Religious leave shall be without pay unless the employee elects to use accumulated compensatory time off, vacation time, or floating holiday time.
- 20.38.3** Denial of religious leave is appealable as provided elsewhere in this Rule.

Sec. 20.39 **Personal Leave**

- 20.39.1** Personal leave is defined as leave for reasons other than those covered in other sections of this Rule.
- 20.39.2** Personal leave for permanent employees may be approved for a period of up to 12 months within any two-year period. Personal leave for temporary or provisional employees may be approved only if replacement of the employee is not required and for a maximum of one month.
- 20.39.3** On the request of an appointing officer, the Human Resources Director, may for reasons deemed to be in the best interest of the service approve extension of personal leave for permanent employees beyond a 12 month period.

Rule 20 Leaves of Absence

Article X: Appeal Procedures

Applicability: The provisions of Rule 20 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 20.40 **Appeal Procedures**

20.40.1 Appeals concerning furloughs or voluntary unpaid time off are excluded from appeal under this section and are appealable as provided elsewhere in this Rule.

20.40.2 In cases where appeal is specifically granted in this Rule, a dispute concerning the application or implementation of the provisions of this rule shall be processed EITHER, at the option of the employee:

1) in accordance with the grievance procedure provided by the Human Resources Director for unrepresented employees or in a collective bargaining agreement.

2) by appeal in writing to the Human Resources Director, whose decision shall be final and shall not be reconsidered by the Commission. A decision under one option shall preclude the use of the other option.

Rule 21

Layoff

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

<u>Article I</u>	<u>Rules Prescribed - Authority</u>
<u>Article II</u>	<u>Seniority</u>
<u>Article III</u>	<u>Order of Layoff</u>
<u>Article IV</u>	<u>Layoff - Provisional and Temporary Employees</u>
<u>Article V</u>	<u>Layoff - Probationary Employees</u>
<u>Article VI</u>	<u>Layoff - Permanent Employees</u>
<u>Article VII</u>	<u>Classes with Citywide Seniority for Layoff Purposes</u>

Rule 21

Layoff

Article I: Rules Prescribed - Authority

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.1 **Rules Prescribed - Authority**

- 21.1.1** Under the authority of Section 3.66l of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.
- 21.1.2** The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.
- 21.1.3** In all matters pertaining to interpretation of this Rule, the decision of the Commission shall be final.

Rule 21 Layoff

Article II: Seniority

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.2 **Determination of Seniority**

21.2.1 Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

1) Permanent

Seniority for permanent appointees shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of certification in the class from which status or permanent tenure was granted.

2) Temporary from Eligible List

Seniority for temporary employees appointed from an eligible list shall be determined by the date of certification which resulted in a temporary appointment to a position in a class in a department.

3) Limited Tenure

Sec. 21.2.1-3 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A; and the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911 and Firefighters, Local 798.

Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the appointing officer whose decision shall be final.

21.2.2 Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.2 Determination of Seniority (cont.)

- 21.2.3** In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.
- 21.2.4** In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.

Sec. 21.3 Tie Scores in Seniority

- 21.3.1** In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.
- 21.3.2** In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, except for members of the uniformed ranks of the San Francisco Fire Department, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the Human Resources Director and conducted under the supervision of the Human Resources Director or a designee. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.
- 21.3.3** Ties in seniority among members of the uniformed ranks of the San Francisco Fire Department appointed from lists adopted on or after December 6, 1991 shall be determined by a Rule adopted by the Fire Commission. This rule and any amendments thereto shall be subject to the approval of the Civil Service Commission, and when so approved by the Commission, shall be deemed as included in this subsection.
- 21.3.4** Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.4 Establishment and Verification of Seniority Roster

- 21.4.1** When a layoff is imminent, an appointing officer shall notify the Department of Human Resources as to the class or classes affected.
- 21.4.2** If requested by the Human Resources Director, the appointing officer shall provide a seniority roster including, but not limited to, the name, status, certification date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.
- 21.4.3** The Human Resources Director, upon verification of the seniority roster, shall notify the appointing officer of the names of those employees to be laid off.
- 21.4.4** Whenever possible the appointing officer must notify affected employees sufficiently in advance of a layoff

Rule 21 Layoff

Article III: Order of Layoff

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.5 **Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 21.5.1 Provisional
- 21.5.2 Temporary From Eligible List
- 21.5.3 Probationary
- 21.5.4 Permanent

Sec. 21.6 **Order of Layoff for Employees Covered by Section 21.6**

Sec. 21.6 applies only to employees in classes represented by the Transport Workers Union, Local 200 and 250A and the members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911 and Firefighters, Local 798.

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 21.6.1 Provisional - Non-Civil Service
- 21.6.2 Provisional - Limited Tenure
- 21.6.3 Temporary From Eligible List
- 21.6.4 Probationary
- 21.6.5 Permanent

Sec. 21.7 **Exceptions to Order of Layoff**

- 21.7.1 Provisional or limited tenure employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.7 **Exceptions to Order of Layoff (cont.)**

- 21.7.2** Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.
- 21.7.3** In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the Human Resources Director shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The Human Resources Director may administer such tests as deemed necessary to determine possession of special qualifications and skills.
- 21.7.4** All exceptions to the order of layoff shall require the express approval of the Human Resources Director.

Rule 21 Layoff

Article IV: Layoff - Provisional and Temporary Appointees

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.8 Layoff - Provisional Appointees

Except as provided, provisional appointees shall be laid off at the discretion of the appointing officer; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

Sec. 21.9 Layoff - Non-Civil Service Appointees

Sec. 21.9 applies only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

Non-civil service appointees shall be laid off at the discretion of the appointing officer.

Sec. 21.10 Layoff - Limited Tenure Appointees

Sec. 21.10 applies only to classes represented by the Transport Workers Union - Locals 200 and 250A, and members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

The layoff of a limited tenure appointee shall be governed by the following provisions:

- 21.10.1** The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with the greater seniority shall have preference.
- 21.10.2** Entrance limited tenure employees shall be laid off prior to the layoff of any promotional limited tenure appointees in the same class.

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.10 **Layoff - Limited Tenure Appointees (cont.)**

Sec. 21.10 applies only to classes represented by the Transport Workers Union - Locals 200 and 250A, and members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798.

- 21.10.3** Limited tenure appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

Sec. 21.11 **Temporary Appointees from Eligible List**

- 21.11.1** Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.
- 21.11.2** The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

Rule 21 Layoff

Article V: Layoff - Probationary Appointees

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.12 Layoff - Probationary Appointees

- 21.12.1** Probationary appointees shall be laid off in inverse order of the date of permanent certification, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with the greater seniority shall have preference.
- 21.12.2** As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

Rule 21 Layoff

Article VI: Layoff - Permanent Appointees

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.13 Layoff - Permanent Appointees

- 21.13.1** Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.
- 21.13.2** Layoff shall be treated separately under each appointing officer except that permanent and probationary employees in classes and listed in Article VII of this Rule, may displace other permanent or probationary employees in the same class with less seniority in any department and except as otherwise provided below:
- 1)** An appointee with five or more years of seniority in a class, immediately prior to layoff in that class, shall have the right to displace an appointee with less than five years of seniority in that class in any department. In that event, layoff shall be by inverse order of seniority in the class in the City and County service. The appointee shall then be subject to serving a new probationary period.
 - 2)** As provided elsewhere in these Rules, a permanent appointee, regardless of length of service, may displace any temporary appointee, including part-time exempt, in the same class in any department.

Sec. 21.14 Reinstatement from Entrance Appointment

An employee laid off from an entrance appointment shall be either:

- 21.14.1** Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;
- 21.14.2** or, as directed by the Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other city department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.14 Reinstatement from Entrance Appointment (cont.)

- 21.14.3** or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The Human Resources Director shall designate and recommend such classes to the Commission.

Sec. 21.15 Requirement for Probationary Period

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

Sec. 21.16 Seniority Date Upon Reinstatement

- 21.16.1** Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their original seniority date in the class.
- 21.16.2** Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of certification to the class from which laid off.

Sec. 21.17 Layoff - Promotive Appointees

An employee laid off from a promotive appointment shall be either:

- 21.17.1** Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;
- 21.17.2** Or, as directed by the Human Resources Director, appointed in rank order of seniority in the class to a position not filled by a permanent appointee in the class from which promoted in any other city department;
- 21.14.3** Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The Human Resources Director shall designate and recommend such classes to the Commission.

Applicability: The provisions of Rule 21 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes.

Sec. 21.17 Layoff - Promotive Appointees (cont.)

- 21.17.4** An employee who has completed the probationary period in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.
- 21.17.5** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of certification in the higher class or in a class designated by the Human Resources Director as similarly related to the intermediate class.
- 21.17.6** If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted.

Sec. 21.18 Requirement for Probationary Period

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

Sec. 21.19 Reinstatement with Employee's Original Seniority in the Class

Employees who are reinstated from a promotive appointment are restored with their original seniority in the class, if any.

Rule 21 Layoff

Article VII: Classes with Citywide Seniority for Layoff Purposes

Applicability: The provisions of Article VII, Rule 21, apply only to employees in the classes enumerated.

Sec. 21.20 Classes With Citywide Seniority For Layoff Purposes

2708	Custodian
3402	Farmer
3417	Gardener
3428	Nursery Specialist
3434	Tree Topper
5310	Surveyor's Field Assistant
5312	Surveyor
6318	Construction Inspector
7306	Automotive Body And Fender Worker
7309	Car And Auto Painter
7311	Cement Mason
7313	Automotive Machinist
7318	Electronic Maintenance Technician
7319	Electric Motor Repairer
7326	Glazier
7328	Operating Engineer, Universal
7332	Maintenance Machinist
7333	Apprentice Stationary Engineer
7334	Stationary Engineer
7338	Electrical Line Worker
7344	Carpenter
7345	Electrician
7346	Painter
7347	Plumber
7348	Steamfitter
7355	Truck Driver
7358	Pattern Maker
7360	Pipe Welder
7367	Radio Technician
7372	Stationary Engineer, Sewage Plant
7375	Apprentice Stationary Engineer, Sewage Plant
7376	Sheet Metal Worker
7381	Automotive Mechanic
7388	Utility Plumber
7392	Window Cleaner
7395	Ornamental Iron Worker
7404	Asphalt Finisher
7410	Automotive Service Worker
7434	Maintenance Machinist Helper
7450	Shade And Drapery Worker
7514	General Laborer

Rule 22

Employee Separation Procedures

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Article I: Separation Procedures

Article II: Termination of Temporary Employee

Article III: Termination of Limited Tenure Employee

Applicability: The provisions of Article III, Rule 22, apply only to employees in classes represented by the Transport Workers Union - Local 200 and 250A; and members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association and Firefighters, Local 798. However, all definitions in Rule 22 are applicable to employees in all classes.

Article IV: Dismissal of Permanent Employee

Article V: Resignation - Services Unsatisfactory

Article VI: Absence from Duty Without Leave (Automatic Resignation)

Rule 22

Employee Separation Procedures

Article I: Separation Procedures

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.1 Rules of Procedure Governing Separation Hearings

22.1.1 This Article prescribes the procedures governing the separation of the following:

Sec. 22.1.1 applies to employees in all classes except employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911 and Firefighters, Local 798.

1. Temporary employee from a list
2. Dismissal of permanent employee

22.1.2 This Article prescribes the procedures governing the separation of the following:

Sec. 22.1.2 applies only to employees in classes represented by the Transport Workers Union - Locals 200 and 250A, and the members of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association, Local 911, and Firefighters, Local 798

1. Temporary employee from a list
2. Limited tenure employee
3. Dismissal of permanent employee

22.1.3 A notice of termination on the form prescribed by the Human Resources Director from the appointing officer to the employee detailing the specific reason(s) for the termination, shall serve as official notice of such termination. The notice of termination shall be sent by certified mail or personally delivered. Copies of the termination form must be filed in the Department of Human Resources. The termination must be approved in accordance with Section 3.501 of the Charter.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.1 Rules of Procedure Governing Separation Hearings (cont.)

22.1.4 The notice of termination must include the following information:

- 1) The employee has the right to a hearing before the Civil Service Commission provided that a request for hearing is made in writing and is received by the Executive Officer within 20 calendar days from the date of termination of appointment or from the date of mailing of the Notice of Termination whichever is later. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business of the first business day following the 20th day.
- 2) The decision of the Civil Service Commission may affect any future employment with the City and County of San Francisco.
- 3) Representation by an attorney or authorized representative of the employee's choice at the inquiry;
- 4) Notification of date, time and place of inquiry a reasonable time in advance; and
- 5) Inspection by the employee's attorney or authorized representative of those records and materials on file with the Executive Officer which related to the termination.

22.1.5 Any interested party may request a continuance of the inquiry.

22.1.6 The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.

22.1.7 To the extent practicable, the departmental representative who has the most complete personal knowledge of the facts which constitute the basis for the termination shall appear when the matter is to be considered by the Commission. The matter will be heard in accordance with the procedures provided elsewhere in these Rules. Interested parties may record the inquiry if they provide the necessary equipment.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.2 Eligibility Status Pending Commission Action on Termination or Dismissal

Except as otherwise ordered by the Human Resources Director, pending action of the Commission on termination of any appointment or upon preferal of charges for dismissal, the name of the appointee shall be placed under waiver for all appointment(s) on any eligible list on which the person has standing and shall be otherwise ineligible for any employment in the City and County service.

Sec. 22.3 Effect of Commission Approval of Termination or Dismissal

Unless specifically ordered otherwise by the Commission, approval of termination or dismissal shall result in the cancellation of all current examination and eligibility status, and all future applications will require the approval of the Human Resources Director, after completion of one year's satisfactory work experience outside the City and County service and the person shall be ineligible for future employment with the department from which separated.

Sec. 22.4 Effect of Failure to Request Commission Review of Termination or Dismissal

22.4.1 Failure to request a Commission review within the 20 day period as provided elsewhere within this Rule shall result in the following actions:

- 1) The adoption of the departmental recommendation as approved by the Human Resources Director; or approval of the separation, if such action is appropriate;
- 2) Dismissal from the city and county service;
- 3) The cancellation of all current examination and eligibility status;
- 4) All future applications shall be subject to the review and approval of the Human Resources Director after satisfactory completion of one year's work experience outside the city and county service; and
- 5) The separated employee may not be employed with the same department in the future.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.4 Effect of Failure to Request Commission Review of Termination or Dismissal (cont.)

- 22.4.2** This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Commission within 30 days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration provided elsewhere in these Rules.

Rule 22

Employee Separation Procedures

Article II: Termination of Temporary Employee

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.5 Procedure for Termination of Temporary Employee

22.5.1 A temporary employee may be terminated for cause by an appointing officer at any time. The notification and hearing procedure shall be in accordance with the provisions of this Rule.

22.5.2 The Commission shall take one or more of the following actions:

- 1) Declare the person dismissed from the service and remove the name of the person from the eligible list;
- 2) Order the name of the person removed from any other list or lists on which the person has eligibility;
- 3) Restrict future employment as it deems appropriate;
- 4) Return the name of the person to the eligible list from which appointed without restriction or under such conditions for further appointment as it deems appropriate. If the list from which the terminated employee was appointed has expired, the name of the employee may be placed on a reemployment register for the class for an additional period of eligibility of 12 months under such conditions for further appointment as the Commission deems appropriate.

Rule 22

Employee Separation Procedures

Article III: Termination of Limited Tenure Employee

Applicability: The provisions of Article III, Rule 22, apply to employees in classes represented by the Transport Workers Union - Local 200 and 250A; and members of the uniformed ranks of the S.F. Police and Fire Departments represented by the S.F. Police Officers' Association and Firefighters, Local 798. However, all definitions in Rule 22 are applicable to employees in all classes.

Sec. 22.6 **Procedure for Termination of Limited Tenure Employee**

- 22.6.1** A limited tenure employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission. The notification and hearing procedure shall be in accordance with the provisions this Rule.
- 22.6.2** The Commission shall take one or more of the following actions:
- 1)** Approve the termination and declare the person dismissed from the service.
 - 2)** Order the name of the person removed from any regular eligible list or lists on which the person may have standing
 - 3)** Restrict future employment as it deems appropriate.
 - 4)** Disapprove the termination and reinstate the person to the department.

Rule 22

Employee Separation Procedures

Article IV: Dismissal of Permanent Employee

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.7 Procedure for Dismissal of Regular Permanent Employee Except Members of the Uniformed Ranks of the Police and Fire Departments

22.7.1 Dismissal of Permanent Employee

A permanent employee who has completed the probationary period may be dismissed for cause upon written charges and after having an opportunity to be heard in her/his own defense.

22.7.2 Notification of Time and Place of Hearing

When the charges are made, the appointing officer shall notify the person in writing of the time and place where the charges will be heard by mailing such statement via certified mail to the employee's last known address. Such hearing shall not be held within five working days of the date on which the notice is mailed. The employee may be represented by counsel or other representatives of the employee's choice.

22.7.3 Hearing Officer - Sources

The hearing itself, as required by Charter, shall be conducted by a hearing officer under contract to the appointing officer chosen as follows in each case: From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers; or from a list of qualified hearing officers certified by the Civil Service Commission, which shall be kept current and contain at all times at least three names.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.7 **Procedure for Dismissal of Regular Permanent Employee Except Members of the Uniformed Ranks of the Police and Fire Departments (cont.)**

22.7.4 Hearing Officer - Method of Selection

The Civil Service Commission shall certify its list of hearing officers by the following method:

- 1) The Commission shall cause to be published in a newspaper of general circulation an announcement of openings for hearing officers. This announcement shall run either for a period of five working days or for two weekends at the discretion of the Civil Service Commission;
- 2) The Commission shall include in its list only such applicants as to satisfy the following criteria: have at least one year of experience in the conduct of judicial hearings in the capacity of a hearing officer and have experience in the resolution of disputes involving the interpretation of labor-management contracts;
- 3) The Executive Officer shall post the list of panel members so selected for a period of five working days during which time employees, public employee organizations or city departments may seek to demonstrate in writing that any member of the panel is unacceptable. The Executive Officer shall review such challenges and shall determine whether on the basis of the challenge the individual should be eliminated from the approved list.

22.7.5 Hearing Officer - Challenge of Employee

The employee may challenge the competence of the hearing officer who is scheduled to hear the employee's case on the basis that the hearing officer is in some demonstrable manner biased or prejudiced against the employee and that, therefore, the employee will not be afforded a fair hearing. The challenge must be made in the following manner:

- 1) The challenge must be by written affidavit;
- 2) The challenge must be received by the appointing officer at least 24 hours prior to the commencement of the hearing;

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.7 Procedure for Dismissal of Regular Permanent Employee Except Members of the Uniformed Ranks of the Police and Fire Departments (cont.)

22.7.5 Hearing Officer - Challenge of Employee (cont.)

3) Should the challenge cause the department to incur expense through the cancellation of the hearing officer, shorthand reporter, etc., such expenses shall be borne by the employee in keeping with the section on costs below. If the employee has been placed on suspension pending the hearing, any delay in the hearing occasioned through challenge or replacement of a hearing officer shall be considered a delay of the hearing by act of the accused employee and shall extend indefinitely the 30-day period referred to in Charter Section 8.341;

4) In the event that the appointing officer shall determine that the hearing officer cannot afford the employee a fair hearing, the appointing officer shall immediately make arrangement to obtain the services of another hearing officer in accordance with the methods stated above.

22.7.6 Hearing Officer - Evidence to be Considered

The hearing officer shall decide the case on the basis of the evidence presented. The hearing officer shall determine whether the accused employee has adhered to the applicable orders, Rules, regulations, ordinances, charter provisions, or applicable sections of any memoranda of agreement or memoranda of understanding. The hearing officer shall be prohibited from considering the relative merits or social desirability of such orders, Rules, regulations, ordinances, Charter provisions or sections of memoranda of agreement or memoranda of understanding as may be applicable to the case.

22.7.7 Hearing Officer - Decision

Within five working days of the close of the hearing, unless specifically exempted for good cause by the appointing officer, the hearing officer shall notify the appointing officer in writing of a decision in the case. The hearing officer shall be limited to the following options in deciding the case:

1) The hearing officer may exonerate the employee in which case the record may, at the discretion of the hearing officer, be expunged and the employee may receive back pay for all time lost;

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.7 Procedure for Dismissal of Regular Permanent Employee Except Members of the Uniformed Ranks of the Police and Fire Departments (cont.)

22.7.7 Hearing Officer - Decision (cont.)

2) The hearing officer may find the employee guilty as charged, in which case the following provisions apply:

- the hearing officer may order the employee returned to work but without back pay for any time not worked between the time charges were made and the time of the hearing or the time the hearing officer renders a decision, whichever is longer;
- the hearing officer may suspend the employee without pay but may not at her/his discretion, order back pay for any periods not worked prior to the hearing; or
- the hearing officer may dismiss the employee.

22.7.8 Notification of Decision of Hearing Officer

Within five working days after the appointing officer receives written notification of the decision of the hearing officer, the appointing officer shall inform the employee in writing of the decision of the hearing officer and shall, by copies of this correspondence and the written notification from the hearing officer, inform the Civil Service Commission of the decision and the action taken.

22.7.9 Costs

1) The department bringing charges against an employee shall pay all fees for hearing officers and court reporters, and, if required, the cost of preparation of the transcript with the following exception:

2) If additional costs are incurred as a result of any request of the employee (such as costs occasioned by the untimely postponement of a hearing, challenges of hearing officer, etc.), all such additional costs, such as cancellation fees or fees when court reporters cannot be notified of the cancellation of a hearing within their established and customary limits, shall be borne by the employee.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.8 **Procedure for Hearing on Charges Against an Employee When the Appointing Officer Neglects or Refuses to Act**

- 22.8.1** When the appointing officer neglects or refuses to act pertaining to the removal of any employee subject to the civil service provisions of the Charter, the Commission may hear and determine any charge filed by a citizen, or by any member of or by an authorized agent of the Commission. In rendering its decision, the Commission shall determine the charges and may exonerate, suspend or dismiss the accused employee in accordance with the provisions of Section 8.341 of the Charter.
- 22.8.2** The appointing officer or the departmental representative shall appear when the matter is to be considered. The matter will be heard in accordance with this procedure provided elsewhere in these Rules.

Rule 22

Employee Separation Procedures

Article V: Resignation - Services Unsatisfactory

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.9 Procedure for Review of Resignation - Services Unsatisfactory

22.9.1 Notice of Proposed Action

If the services of a resignee are to be designated as unsatisfactory, the appointing officer or designated representative shall notify the resignee of intention to so certify the resignation. The resignee shall be informed of the reasons for this determination and shall be offered an opportunity for review by the appointing officer or designated representative.

22.9.2 Action by Appointing Officer

As a result of review, if such review is requested by the resignee, the appointing officer may amend or sustain the certification of services.

22.9.3 Notification to Employee

If the appointing Officer amends the resignation, the resignee shall immediately be notified by copy of the resignation form with services clearly marked satisfactory. If the appointing officer sustains the original determination, the appointing officer shall immediately notify the resignee on the separation form prescribed by the Department of Human Resources.

22.9.4 Report Requirement

A resignation certified by the appointing officer as services unsatisfactory shall be accompanied with a statement of the reasons for this action and shall contain a statement that the notification and review procedure outlined above was completed.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.9 Procedure for Review of Review of Resignation - Services Unsatisfactory (cont.)

22.9.5 Commission Review

The Commission shall consider the resignations of persons whose services have been designated as unsatisfactory provided that a request for review is made in writing and is received in the commission office within 20 calendar days of the date of mailing of the Notice of Separation designating the services as unsatisfactory. In the event the 20th day falls on a non-business day, the deadline shall be extended to the close of business on the first business day following the 20th day. The Commission shall take one or more of the following actions:

- 1) Accept the resignation as certified;
- 2) Remove the name of the resignee from other eligible lists on which the eligible's name appears;
- 3) Restrict participation in future examinations as it deems just;
- 4) Restrict future employment as it deems just;
- 5) Accept the resignation as certified and order that future employment be without restriction including the right to request reappointment; or
- 6) Remand the resignation to the appointing officer for reconsideration.

22.9.6 Failure to Request Review

- 1) Failure to request a Commission review within the 20-day period provided above shall result in: the adoption of the departmental recommendation as approved by the Human Resources Director; or the cancellation of all current examination and eligibility status; and all future applications shall be subject to the review and approval of the Human Resources Director after satisfactory completion of one year's work experience outside the city and county service.
- 2) This action shall be final and shall not be subject to reconsideration unless the person can present evidence in writing of being unable to communicate with the Commission within 30 days of being able to so communicate. All requests for reconsideration shall be in writing and shall be processed in accordance with the procedure for reconsideration provided elsewhere in these Rules.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.9 **Procedure for Review of Review of Resignation - Services Unsatisfactory (cont.)**

22.9.7 Hearing Procedures

Hearings pursuant to this Rule shall be conducted in accordance with the procedures provided elsewhere in these Rules.

22.9.8 Waiver of Employment

Pending final action, the resignee shall be ineligible for all employment.

Rule 22

Employee Separation Procedures

Article VI: Absence from Duty Without Leave

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.10 When Five Days or Less

Absence from duty without proper authorization for any period of time up to and including five or less working days shall be cause for disciplinary action by the appointing officer.

Sec. 22.11 When Over Five Days - Automatic Resignation

- 22.11.1** Absence from duty without proper authorization in excess of five continuous working days shall constitute abandonment of the position and shall be reported to the Department of Human Resources and recorded as an automatic resignation. The appointing officer shall notify the employee on the form prescribed by the Human Resources Director. The employee shall be notified by certified mail.
- 22.11.2** The automatic resignation shall be subject to appeal to the Commission, if so requested by the person in writing, within 15 calendar days of the mailing date of the notice of automatic resignation. The 15 days includes the date on which the notice was mailed. The Commission shall hear such appeal. The decision of the Commission shall be final and not be reconsidered.
- 22.11.3** Failure to appeal within the 15 day period shall result in the cancellation of all current examination and eligibility status; the review and approval of the Human Resources Director, of all future applications after satisfactory completion of one year's work experience outside the City and County service, and the determination that the resigned employee may not be employed in the same department in the future.
- 22.11.4** If the person can present evidence in writing of being unable to communicate with the appointing officer within 30 calendar days of being able to so communicate, the automatic resignation may then be subject to reconsideration by the Commission. All requests for reconsideration will be in writing and will be processed in accordance with the procedures for reconsideration provided elsewhere in these Rules.

Applicability: The provisions of Rule 22 apply to all officers and employees except as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Sections 8.409 and 8.590. However, all definitions in this Rule are applicable to employees in all classes. If there is any conflict in the provisions of this Rule and relevant Charter Sections, the Charter language prevails.

Sec. 22.11 When Over Five Days - Automatic Resignation (cont.)

- 22.11.5** Pending final action under this Rule, an individual under automatic resignation shall be placed under waiver on all eligible lists on which the individual's name appears.
- 22.11.6** In considering the appeal of an automatic resignation, the Commission shall take one or more of the following actions:
- 1) deny the appeal and approve the resignation;
 - 2) order the name of the person removed from any other eligible list or lists on which the person's name appears,
 - 3) restrict participation in further examinations as it sees fit,
 - 4) return the name to the eligible list under such conditions for further appointment as it deem appropriate, or
 - 5) disapprove the resignation.

Sec. 22.12 Hearing Procedures

Hearings conducted under this Rule shall be conducted in accordance with the procedures provided elsewhere in these Rules.

Chapter IV

Rules Posted for Deletion by the Civil Service Commission

(In full force and effect until final action by the Civil Service Commission)

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Sections 8.409 or 8.590.

<u>Rule X9</u>	<u>Promotional Examinations for Employees on Military Leave</u>
<u>Rule X18</u>	<u>Employee Relations - Grievance Procedure</u>
<u>Rule X23</u>	<u>Standing and Special Committees</u>
<u>Rule X24</u>	<u>Apprenticeship Program</u>
<u>Rule X27</u>	<u>Temporary Exchanges for Training Purposes</u>
<u>Rule X28</u>	<u>Employee Training and Reimbursement Program</u>
<u>Rule X30</u>	<u>Personnel Service Records</u>
<u>Rule X31</u>	<u>Overtime</u>

RULE X9D

**PROMOTIONAL EXAMINATIONS FOR EMPLOYEES
ON MILITARY LEAVE**

**Incorporating Charter Section 8.328 into
the Civil Service Commission Rules
Pursuant to Charter Section
8.320-1 Incorporating Former Charter Provisions
(Proposition C - November 5, 1991 Election)**

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in class subject to Charter Section 8.409 or 8.590.

**Section X9D.01 RIGHT TO PARTICIPATE IN SIMILAR PROMOTIONAL
EXAMINATION**

Employees under permanent civil service appointment who, because of absence of duly authorized military leave after June 27, 1950, did not participate in a promotional examination held after June 27, 1950, and during time of war as defined in CSC Rule 9C, and in which examination the employee would have been otherwise eligible to compete had the war not intervened, and which examination is hereinafter referred to as the original promotional examination, shall after abridgment of military leave, have the right to participate in a similar promotional examination.

Section X9D.02 STATUS OF ELIGIBLES WHILE ON MILITARY LEAVE

Provided, that persons and employees who were on entrance or promotive eligible lists, shall, for the purpose of this amendment, be deemed to be appointees in their classifications from the time their names were reached for permanent certification while in the military service.

**Section X9D.03 TIME LIMIT TO REQUEST TO PARTICIPATE IN SIMILAR
PROMOTIONAL EXAMINATION**

In order to qualify for participation in a similar promotional examination under the provisions of this section, such employee who desires to participate therein must make application in writing to the Department of Human Resources within 30 days after the abridgment of military leave, or within 30 days after the effective date of this amendment. Failure to file such written request to participate in a similar promotional examination as herein provided shall be deemed a waiver of all rights of the employee to participate in such similar promotional examination.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superseded by a collective bargaining agreement for those employees in class subject to Charter Section 8.409 or 8.590.

Section X9D.04 HUMAN RESOURCES DIRECTOR TO ARRANGE SIMILAR PROMOTIONAL EXAMINATION

The Human Resources Director shall arrange to hold such similar promotional examination within a reasonable time after employees eligible to request participation in any such similar promotional examination under the provisions of this section have indicated their desire to so participate, or have waived their right to participate, as herein provided.

Section X9D.05 ADEQUACY OF SIMILAR PROMOTIONAL EXAMINATION

Subject to the approval of the Civil Service Commission, the Human Resources Director shall judge the adequacy of such similar promotional examination.

Section X9D.06 ADDITION OF NAMES TO ELIGIBLE LIST

If the employee obtains in the similar promotional examination a score rating equal to or more than the minimum passing mark established by the Human Resources Director for inclusion on the list of eligibles resulting from the original promotional examination, his or her name shall thereupon be entered on the eligible list resulting from the original promotional examination in accordance with the relative excellence obtained by all the qualified participants in the original and similar promotional examinations.

Section X9D.07 DURATION OF ELIGIBILITY

Such employees shall be eligible for appointment from such list of eligibles in accordance with civil service commission rules to any vacancy thereafter occurring, and subject to satisfactory completion of a probationary period as provided in CSC Rule 6A for a period of four years after the date on which their name is entered on the eligible list and before eligibles procuring standing through examinations held subsequent to the original promotional examination.

Section X9D.08 CALCULATION AND USES OF SENIORITY

(a) If it is determined by the Human Resources Director that the name of such person would have been reached for permanent appointment from the list of eligibles established as a result of the original promotional examination during his term of military service had the name of such person appeared thereon, then such employee, upon appointment to a permanent position as herein provided, shall be granted seniority in such appointment from the date his/her name would have been reached had his/her name appeared thereon, but such seniority shall be used only for the purpose of determining salary increments and calculating city and county service credits in other promotional examinations held subsequent to the similar promotional examination herein authorized.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in class subject to Charter Section 8.409 or 8.590.

(b) For all other purposes, seniority of service shall date from the date of appointment as a result of qualifying in the similar promotional examination as herein authorized.

Section X9D.09 ELIGIBILITY FOR OTHER PROMOTIONAL EXAMINATIONS

Such employees who qualify for appointment as a result of a similar promotional examination as herein provided, and who are appointed to permanent positions, as herein provided, shall be permitted to participate in other promotional examinations for which they are otherwise eligible, while serving under probationary appointment in the position to which appointed as a result of the similar promotional examination, provided that certification from lists of eligibles established from such other examinations shall not be made until the employee has satisfactorily completed the aforesaid probationary appointment.

Section X9D.10 COMMISSION TO ADMINISTER SIMILAR PROMOTIONAL EXAMINATION

The Civil Service Commission shall adopt rules to govern the administration of similar promotional examinations herein authorized, and appointments and other matters resulting therefrom.

RULE X18

EMPLOYEE RELATIONS - GRIEVANCE PROCEDURE

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superseded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X18.01. PROGRAM SCOPE AND PRINCIPLES

These rules and regulations are promulgated in order to improve employer-employee relations and are designed to permit any employee and/or the employee's representative as herein provided, a procedural method by which any grievance, as defined in Section X18.02, may be resolved in an expeditious and orderly manner.

Section X18.02. DEFINITIONS

A. A grievance shall be any dispute concerning the interpretation or application of the provisions of a memorandum of understanding, or in the absence of a memorandum of understanding, a dispute concerning department rules and regulations governing personnel practices or working conditions. The written grievance must state the circumstances on which the grievant claims to be aggrieved and the redress the grievant seeks. Grievances shall be considered only on matters within the power of the appointing officer to act.

EXCLUSIONS: Civil Service and Human Resources

1. No grievance shall be considered on position classification, examination or civil service merit system matters where Charter authority or Civil Service Commission Rules provide a different appellate process.
2. No grievance shall be considered on disciplinary actions where a different appellate process is provided for under the Charter.
3. No grievance shall be considered on items subject to the meet and confer process where the ordinance provides a different appellate process.
4. No grievance shall be considered on performance evaluation. Under Section VII of the evaluation instruction form, if an employee can document that there was no factual basis for the evaluation, or there was bias, or proper procedures were not followed, the employee may present a written statement with documentation indicating the section or factor of the evaluation being questioned. The statement will be attached to the evaluation form and will be available for review and action if warranted.

B. Employee: Any City and County employee in the service, regardless of status.

C. Immediate Supervisor: The individual who immediately assigns, reviews or directs the work of an employee.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

D. Intermediate Supervisor: Next highest supervisor to be based on the organizational pattern of the department as determined by the appointing officer.

E. Appointing Authority: The head of the department having the lawful power to make appointments or to remove persons from positions in the City and County service.

F. Representative: A labor or employee organization and/or individual who appears at the request of and on behalf of the employee(s).

G. Witness: Any persons who the grievant wishes to appear to assist the employee in establishing the facts of the grievance. The number of witnesses providing substantially the same information may be limited by the supervisor or appointing officer.

Section X18.03. GRIEVANCE PROCEDURE

A. General Provisions

1. Appointing officers shall prepare reasonable rules or regulations concerning employee representatives' contacts with employees on City facilities during working hours. Such rules or regulations shall be written in such a manner as not to hinder or impair the implementation of the grievance procedure as provided by this rule.

2. The steps in the procedure set forth herein shall be followed unless it is agreed by the appropriate supervisor and the grievant that the grievance should be started at Step 3 or Step 4. In large departments made up of divisions, bureaus, sections or institutions, the additional intermediate supervisor shall be included regularly as part of the procedural steps.

The appointing officer and the grievant may agree that in any particular case, one additional intermediate supervisor should be added to the procedural steps listed below.

3. If the supervisor or appointing officer fails to respond within the required time limits, the grievant may then present the grievance in writing to the next higher step. If the grievant fails to present the grievance to the next higher step within the required time limits, then the grievance will be considered to be resolved.

4. The time limits set forth in this grievance procedure may be extended by mutual agreement of the appointing officer and the grievant.

B. Step 1 - Immediate Supervisor (Oral)

1. The employee and/or representative if requested by the employee shall explain, orally, the grievance to the employee's immediate supervisor, if the grievance starts at Step 1.

2. The supervisor shall reach a decision and communicate it orally to the employee and/or representative within five (5) working days of being told of the grievance.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superseded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

C. Step 2 - Immediate Supervisor

1. If the employee is not satisfied with the decision rendered, the employee and/or representative shall submit the grievance in writing within five (5) working days to the immediate supervisor on the employee grievance form.

2. The immediate supervisor shall notify the employee and/or representative in writing on the employee grievance form of the decision and the reasons within five (5) working days from the date of presentation of the grievance.

D. Step 3 - Intermediate Supervisor

1. If the grievance is not resolved at Step 2, the employee and/or representative shall use the employee grievance form to submit the grievance in writing to the employee's intermediate supervisor as defined in Section II of the employee grievance form. A grievance will be considered to be resolved unless the grievance is filed with the intermediate supervisor not later than five (5) working days after the date the decision was returned to the employee by the immediate supervisor.

2. After review and discussion with all involved parties, the intermediate supervisor shall use the employee grievance form to notify the employee of the decision and the reasons. This form shall be returned to the employee within five (5) working days of receipt of the grievance.

E. Step 4 - Appointing Officer

1. If the grievance is not resolved at Step 3, the employee and/or representative shall use the same employee grievance form to submit the grievance to the appointing officer within five (5) working days after the date of notification of the decision by the intermediate supervisor.

2. After review and discussion with all involved parties, the appointing officer shall use the grievance form to notify the employee of the decision and the reasons. This form shall be returned to the employee within ten (10) working days of receipt of the grievance.

F. Step 5 - Arbitration Process

1. If the grievance is not resolved at Step 4 and the employee requests final and binding arbitration, the employee and/or representative shall submit the same employee grievance form to the appointing officer within five (5) working days of the receipt of the appointing officer's decision. The employee and/or representative shall be entitled to decide whether the American Arbitration Association or the California State Conciliation Service will administer the arbitration and shall notify the appointing officer of the employee's decision as part of the written request for arbitration. If the employee does not so indicate preference, the appointing officer shall decide which agency will administer the arbitration. The appointing officer shall then initiate arbitration by contacting either the American Arbitration Association or the California State Conciliation Service, whichever is selected as above, within ten (10) working days from the date the employee requests arbitration. If the appointing officer does not initiate arbitration as indicated above, the employee may do so within seven (7) additional working days.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

2. If the appointing officer requests arbitration, the appointing officer shall initiate arbitration by contacting the American Arbitration association or the California State Conciliation Service and shall give notice to the other party or parties.

3. The arbitrator shall be an impartial person selected from either the American Arbitration Association or the California State Conciliation Service, the agency to be determined as indicated above. The agency shall provide both parties to the grievance with an identical list of five (5) names. If both parties to the grievance cannot agree on an arbitrator from the list provided, within seven (7) days from receipt of the list, they shall have five (5) additional days to strike names alternately from the list until only one name is left. The cost of arbitration shall be equally shared by the employee and the department.

4. The arbitrator's decision cannot supersede Charter provisions, Civil Service Commission Rules, ordinances, memoranda of understanding, the Administrative Code, financial and budgetary appropriations and such other rules and regulations.

RULE X23

STANDING AND SPECIAL COMMITTEES

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to all employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X23.01. STANDING AND SPECIAL COMMITTEES - CREATION

The Commission shall establish such standing or special committees as it shall deem necessary. Standing Committees shall be composed of three (3) members and shall be appointed by the President of the Commission for terms of two (2) years.

Section X23.02. APPLICABLE RULES

The Civil Service Commission Rules shall be applicable in the conduct of all meetings of a Committee whenever practicable. Committees may by majority vote of its members adopt such additional rules not in conflict with the Civil Service Commission Rules as may be considered necessary for the conduct or consideration of any business referred to or initiated by such Committees.

Section X23.03. MEETINGS TO BE PUBLIC

Every meeting of a Committee shall be open to the public.

Section X23.04. TIME OF MEETING

A Committee shall meet at the time set by the Chairperson, or a majority of the Committee, in that order of priority.

Section X23.05. POWERS AND DUTIES OF CHAIRPERSON

The Chairperson shall have no vote on any substantive matter pertaining to matters coming before the Committee except to make or break a tie vote. The Chairperson shall set the calendar for meetings, authenticate by signing all documents issued or authorized by order of a Committee and decide all questions of order. Any member of a Committee who disagrees on the ruling of the Chairperson on any matter may appeal from the decision thereon, and the vote of any two (2) members of a Committee shall decide the appeal.

Section X23.06. COMMITTEE HEARING AND ACTION

A Committee, after a measure has been referred to it, shall hold a public hearing or hearings thereon and may invite or subpoena witnesses for testimony. A Committee may recommend to the Commission the enactment, defeat, tabling, or amendment of such measure and make take such other action with respect thereto as is necessary and proper under the rules or law.

RULE X23

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to all employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X23.07. CALLING A MEASURE

At any time after ninety (90) days subsequent to reference of a measure to a Committee, the Commission, by a majority vote of its members, may order that such measure be returned to the Commission within a specified time limit, in which event the Executive Officer of the Commission shall notify every individual (or by publication all ascertainable interested parties) that the measure has been called out of Committee and will be considered by the full Commission on a specified date.

Section X23.08. SUBPOENA POWERS AND TESTIMONY UNDER OATH

The subpoena powers granted the Commission under the Charter shall devolve upon the Committees. Any member may require any witness before a Committee to testify upon oath or affirmation administered by a notary-certified shorthand reporter, who shall attend and take down verbatim all proceedings if practicable.

RULE X24

APPRENTICESHIP PROGRAM

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to all employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X24.01. PURPOSE AND POLICY

The Civil Service Commission declares it to be its purpose and policy to establish an organized, planned system of apprenticeship training to be conducted as a joint labor and management undertaking. In accordance with this policy, the following procedures are set forth and are in accordance with the Shelley-Maloney Apprentice Labor Standards Act of 1939, as amended, and the pertinent sections of the Charter and Civil Service Commission Rules.

Section X24.02. JOINT APPRENTICESHIP COMMITTEE:

Organization and Overall Purpose:

1. There is hereby established a Joint Apprenticeship Committee of the City and County of San Francisco to assist the Human Resources Director, in carrying out a City and County-wide program of apprenticeship training. The overall purpose of the Joint Apprenticeship Committee is to foster and promote apprenticeship programs in several departments, to recommend to the Human Resources Director the trades to be included in the apprenticeship program and the standards for such training, to establish craft committees and to confirm appointments to such committees, to execute apprenticeship agreements, to hear complaints of apprentices and to perform such other duties as may be assigned by the Human Resources Director.

2. The members of the Joint Apprenticeship Committee shall be appointed by the Commission and shall be comprised of the following membership:

- The Human Resources Director, or designee.
- The Chief Administrative Officer or designee.
- The General Manager of the Public Utilities Commission or designee.
- Three permanent City and County civil service employees who shall be journey-level members of different crafts subject to apprenticeship agreements.
- One representative of a recognized craft association or union who is not a City and County employee.
- One representative of a recognized employers' organization who is not a City and County employee.
- One advisory member from the California Division of Apprenticeship Standards.
- One advisory member from the School Districts.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to all employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

3. Each member shall serve for three (3) years or until a successor is appointed. Advisory members shall be entitled to notice of all meetings, to attend such meetings and to be heard, but shall not have the right to vote.

4. The standards and procedures hereinafter established are made subject to all of the provisions of the Charter, the Ordinances of the Board of Supervisors, the Civil Service Commission Rules and the provisions of the California State Apprenticeship Labor Standards Act. Any provision hereof which may be in conflict therewith is null and void.

5. The State Administrator of Apprenticeship shall be notified of any modification in the Charter, Ordinances or Rules of the Commission which may affect apprenticeship programs.

6. For trades that have a functioning joint apprenticeship committee, approved by the Division of Apprenticeship Standards and having a representative of the School Districts in which the apprentice is indentured to the trade joint apprenticeship committee and rotation of employment by work processes and trade attitudes is required to assure that the apprentice is exposed to the greatest variety of mechanical and trade philosophy during apprenticeship. The City shall recognize the standards of the trade joint apprenticeship committee and secure apprentices through the appropriate trade Joint Apprenticeship Committee in the same manner as any other employer and meet with all the trade Joint Apprenticeship Committee requirements.

Section X24.03. FUNCTIONS OF THE JOINT APPRENTICESHIP COMMITTEE

A. The Joint Apprenticeship Committee shall use its best endeavors to set up and carry out within the City an In-Service Training Program for the purpose of enabling such apprentices to learn and acquire a specified trade or craft. The Joint Apprenticeship Committee shall encourage the development of apprenticeship programs in the several departments and shall review requests by the departments for establishment of apprenticeship programs and shall recommend approval or disapproval of such requests on the basis of required standards. The program shall comply with the provisions of applicable veteran's legislation if the apprentice is a veteran who plans to use veteran's benefits in conjunction with the training.

B. The Joint Apprenticeship Committee shall by rule, subject to approval of the Commission, provide for its own organization and establish standards for an apprenticeship program. Such rules shall include, but shall not necessarily be limited to, the following:

1. Provision for the election of a chairperson, a secretary and other officers as they deem advisable and to fix their duties and terms of office, provided that the Human Resources Director or designee acts as executive secretary and provides necessary liaison between all parties;
2. Provision for the holding of regular meetings and the maintenance of records of its deliberations and actions;

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to all employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

3. Provision for the supervision of the administration and enforcement of the rules and standards;
4. Provision for the recommendation to the Human Resources Director of qualifications to be established for apprentices;
5. Provision for the development of recommendations to the Human Resources Director for fair and impartial selection procedure in accordance with existing laws and uniform application of such procedures in the selection of applicants for apprenticeship;
6. Provision for the evaluation of the prior experience and training of apprentices and for the granting of appropriate credit due to either training on-the-job or related or supplemental instruction;
7. Provision for the investigation and evaluation of apprentice training in progress;
8. Provision for first-aid training for all apprentices;
9. Provision for passing upon the training qualifications of employers who are members of any employee organization signatory to any apprenticeship agreement as well as other employers who may be involved in this program;
10. Provision for continuous employment insofar as possible of all apprentices as well as well-rounded, diversified training in all of the job processes of the craft and to that end to make provision for procedures for the transfer and assignment of apprentices from one department to another;
11. Provision for the establishment and maintenance of appropriate and required records;
12. Provision for serving in an advisory capacity for the school program when designated by the Board of Education as an advisory committee;
13. Provision for the termination of the completion by an apprentice of training and in connection therewith to submit such evidence to the Secretary of the State Apprenticeship Council together with a recommendation for the issuance of a State Certificate of Completion;
14. Provision for the adjustment or determination of disputes and complaints, including provision for an appeal procedure to the State Administrator of Apprenticeship.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to all employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X24.04. DUTIES AND RESPONSIBILITIES OF EMPLOYER AND PARTICIPATING CRAFTS

The Joint Apprenticeship Committee shall provide for the duties and responsibilities of the employer and employee groups participating in the program.

Section X24.05. DUTIES OF APPRENTICES

The Joint Apprenticeship Committee shall provide a definition of apprentices and shall establish the duties and responsibilities of the apprentices.

Section X24.06. ORGANIZATION AND FUNCTION OF CRAFT COMMITTEES

The Joint Apprenticeship Committee shall provide for the organization and for the duties and responsibilities of craft committees.

Section X24.07. RESOLUTION OF DISPUTES

Controversies regarding the apprenticeship program or the rules, established standards or agreements under such standards, which cannot be adjusted by the Joint Apprenticeship Committee or the Human Resources Director shall be submitted to the Administrator of Apprenticeship for determination as provided for in Section 3081 of the California State Labor Code.

RULE X27

TEMPORARY EXCHANGES FOR TRAINING PURPOSES

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superseded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X27.01. TEMPORARY EXCHANGES FOR TRAINING PURPOSES

A. Except for employees represented by the Transport Workers Union (TWU), employees holding permanent civil service appointment in positions under different appointing officers or in another public agency, may, upon their written request and with the approval of the appointing officers concerned and the Human Resources Director, be exchanged in positions in the respective departments or other public agency for a period not to exceed one (1) year for training and development purposes; provided that the employees so exchanged must be permanent employees in the same class or in occupations deemed by the Human Resources Director, to be closely related in duties and responsibilities, training and experience requirements, and further provided that such temporary training service may be terminated by either appointing officer at any time during such training period.

B. Employees so exchanged will remain on the permanent payroll of their regular department and time reports will be maintained in the second department or other public agency and submitted to the original department for timekeeping purposes. Exchange assignments shall be recorded on employee history cards and employees shall be credited for the performance of the duties in the exchanged position. Employees temporarily assigned for training and development under this section of the rule will be considered as employees of the original department for any disciplinary action necessary under the Charter.

RULE X28

EMPLOYEE TRAINING REIMBURSEMENT PROGRAM

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matter may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X28.01. WHO MAY APPLY FOR REIMBURSEMENT

A. Any employee or officer holding regular appointment to a full-time, permanent position within the City service or the School Districts, and who has served a minimum of one (1) year continuous permanent service in any class immediately prior to receipt of application, may apply for tuition reimbursement in accordance with the provisions of this rule and the provisions of the Administrative Code.

B. Applications for reimbursement shall be prepared in duplicate on a special form provided by the Department of Human Resources. The original of such form shall be forwarded to the Department of Human Resources, and a copy shall be retained by the employee. Such application for reimbursement shall be made prior to the date of enrollment in the course and if approved by the Human Resources Director, reimbursement shall be subject to successful completion of the course and availability of funds. The employee so reimbursed must agree to remain in the employ of the city for at least two (2) years following completion of the training course. If an employee resigns from the City within the two (2) year period and the employee withdraws funds from the Retirement System, the amount of the tuition reimbursed shall be repaid by the employee to the city by cash payment or out of the employee's last pay warrant or retirement earnings.

Section X28.02. TRAINING FOR PROMOTION OR ADVANCEMENT

A. An eligible employee or officer may apply for reimbursement for a training course pertaining to the duties of a higher classification when such course is given outside of regular working hours by an accredited educational institution. Accredited educational institutions shall be defined as institutions whose courses offered for credit are acceptable for regular examination given by the Department of Human Resources. Subject to the budgetary and fiscal provisions of the Charter, the employee or officer shall be reimbursed one-half of the cost of tuition for said course if attendance has been approved in advance and funds have been appropriated and are available. The Commission will verify that the employee has satisfactorily completed the course with a passing grade. If the course is not graded, or is not a credited course, an official transcript or other official document from the accredited school certifying completion of the course shall be deemed evidence of satisfactory completion.

B. No reimbursement shall be made if the employee or officer is eligible to receive reimbursement for said tuition under a Federal or State Veterans' benefit program or from other public funds.

C. If the employee or officer's application for training reimbursement, under the provisions of this section, does not receive the appointing officer's recommendation, the employee may appeal to the Commission. The Commission shall then inquire into the reasons of the appointing officer's disapproval of such application, and the Commission shall thereupon make such order as it deems just, and said order shall be final.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matter may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X28.03. TRAINING FOR WORK IN PRESENT CLASSIFICATION

A. An eligible employee or officer may apply to the Department of Human Resources through the appointing officer for reimbursement in a training course given by an accredited educational institution during or outside working hours for the purpose of improving performance in the present classification.

B. Accredited educational institutions shall be defined as institutions whose courses offered for credit are acceptable for regular examination given by the Department of Human Resources. The Department of Human Resources shall be the judge of whether such training meets the criteria of improving performance in the employee's present job, and whether the training can be provided through available in-service activities. Subject to the budgetary and fiscal provisions of the Charter, the employee or officer shall be reimbursed for tuition, supplies, books, and other fees for such course if attendance has been approved in advance, and funds have been appropriated and are available. If attendance is during regular hours, it shall be considered a duty assignment for the purpose of payment of salary. The Department of Human Resources will verify that the employee has satisfactorily completed the course with a passing grade. If the course is not graded, or is not a credited course, an official transcript or other official document from the accredited school certifying completion of the course shall be deemed evidence of satisfactory completion.

C. If the employee or officer's application for training reimbursement, under the provisions of this section, does not receive the appointing officer's recommendation, the employee may appeal to the Commission. The Commission shall then inquire into the reasons for the appointing officer's disapproval of such application, and the Commission shall thereupon advise the appointing officer as it deems just.

Section X28.04. EDUCATIONAL INSTITUTION - WHEN ACCREDITED

The Department of Human Resources or Human Resources Director shall be the judge of whether an educational institution is properly accredited for the purpose of this rule. The appointing officer shall consider the employee's record of performance in making recommendations.

Section X28.05. 20/20 WORK-TRAINING PROGRAM

A. Employees under permanent civil service appointment upon application, may be assigned with pay, not to exceed twenty (20) hours in any one (1) week, to attend classes during regular working hours in educational institutions approved by the Human Resources Director subject to the availability of funds for replacement where replacement is required subject to the following:

1. Permission to attend classes during regular working hours must be recommended by the appointing officer and approved by the Human Resources Director subject to the availability of funds for replacement where replacement is required.
2. The class or classes to which the employee would be promoted will be listed by the Department of Human Resources or Human Resources Director and must be in promotive classes where there is a continuing shortage of qualified employees to fill all vacancies.

RULE X28

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matter may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

3. Such assigned time with pay for educational purposes shall only be granted when the class session is during a regular work shift and the employee cannot be reassigned to another work shift.
4. Such assigned time for educational purposes shall not be granted if the course is available at a time other than the employee's regular work shift.
5. Such assigned time for educational purposes with pay shall not be granted to employees who are eligible for other benefits through the Veterans' Administration, the State Department of Veterans' Affairs or other benefit programs.
6. The department head will be responsible for reviewing and checking the attendance of the employee in class during the specified assigned time and the employee on such assigned time must return to work status when school is not in session.
7. Employees granted such time to attend classes who leave the service by resignation prior to a two-year period following completion of the educational course or courses shall be subject to withholding from their final pay check or retirement contributions an amount equivalent to the payroll cost of such assigned time for educational purposes.

RULE X30
PERSONNEL SERVICE RECORDS

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X30.01. PERSONNEL SERVICE RECORDS

The Commission shall establish, in accordance with Charter provision, a personnel service record system for the purpose of compiling information useful in the evaluation of employees for promotion and other purposes. Pending the establishment of an effective service record system, appointing officers are required to submit a "Report of Performance of Probationary Appointee" which will be filed with the Department of Human Resources during the fifth (5) month of the employee's probationary period.

RULE X31

OVERTIME

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

Section X31.01. DEFINITION

A. Overtime is hereby defined to mean time worked in excess of regular work schedules as provided by the Salary Standardization Ordinance.

B. Absence from duty because of leave with pay, military leave with pay, annual vacation or legal holidays shall be considered as time worked in computing a work week for overtime purposes.

Section X31.02. PART-TIME EMPLOYEES

Part-time employees shall not receive overtime pay or compensatory time off except as may be provided by ordinance.

Section X31.03. OVERTIME - EXECUTIVE, ADMINISTRATIVE OR PROFESSIONAL EMPLOYEES

A. Time Off To Compensate For Overtime Worked

1. In accordance with the provisions of the Salary Standardization Ordinance, appointing officers may allow compensatory time off for overtime worked to employees occupying executive, administrative or professional positions where such employees occupy classes specifically authorized for compensatory time off as designated in the Annual Salary Ordinance.

2. Records of overtime worked by the employees referred to in this section shall be maintained in the departments in such manner as to be readily available for audit, review or analysis by the Department of Human Resources staff.

3. All time off allowed because of overtime worked shall be indicated in hours on timerolls by use of the appropriate symbols as designated by the Controller.

B. Transfer Between Departments of Compensatory Time Off

Employees may transfer their accumulated compensatory time off or a portion thereof to a different department with the approval of the appointing officer in the new department.

C. Compensatory Time Off - Special Provision

Appointing officers may approve the use of compensatory time off for employees in classes where payment of overtime is authorized when the employee was formerly employed in an executive, administrative or professional position and has accumulated compensatory time off.

Applicability: Unless otherwise noted, the provisions of Chapter IV apply to employees in all classes. However, certain matters may be superceded by a collective bargaining agreement for those employees in classes subject to Charter Section 8.409 or 8.590.

D. Cash Payment For Overtime

Unless specifically provided for by ordinance, no cash payment for compensatory time shall be allowed.

E. Use of Compensatory Time To Supplement State Disability Insurance

An appointing officer may allow an employee to supplement State Disability Insurance (SDI) with compensatory time off in minimum units of one (1) hour so that the total of State Disability Insurance and compensatory time off equals, but does not exceed, the regular gross salary the employee would have received for the normal work schedule excluding overtime.

F. Finality of Appointing Officer's Decision

The decision of the appointing officer in matters related to compensatory time off shall be final, except as otherwise provided in these Rules, ordinances or the Charter.

